

## **EXHIBIT 11**

**In The Matter Of:**

*Securities and Exchange Commission v.  
Jammin' Java Corp., et al.*

---

*Rene Berlinger*  
*February 07, 2017*

---

*Behmke Reporting and Video Services, Inc.*  
*160 Spear Street, Suite 300*  
*San Francisco, California 94103*  
*(415) 597-5600*

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 1

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3 - - - - -  
4 SECURITIES AND EXCHANGE )  
5 COMMISSION, )  
6 Plaintiff, )  
7 ) CASE NO.  
8 v. ) 2:15-cv-08921-SVW-MRW  
9 )  
10 JAMMIN' JAVA CORP, ET AL., )  
11 Defendants. )  
12 - - - - -  
13  
14  
15 VIDEOTAPED DEPOSITION OF RENÉ BERLINGER  
16 TUESDAY, FEBRUARY 7, 2017  
17  
18  
19  
20  
21 BEHMKÉ REPORTING AND VIDEO SERVICES, INC.  
22 BY: JONAH SEARS  
23 160 SPEAR STREET, SUITE 300  
24 SAN FRANCISCO, CALIFORNIA 94105  
25 (415) 597-5600

Page 2

1  
2  
3  
4  
5  
6  
7  
8 Videotaped Deposition of RENÉ BERLINGER, taken on  
9 behalf of Plaintiff, at 271 Cadman Plaza East, 7th  
10 Floor, Brooklyn, New York, commencing at 9:42 A.M.,  
11 TUESDAY, FEBRUARY 7, 2017, before Jonah Sears, Shorthand  
12 Reporter, pursuant to notice.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 3

1 APPEARANCES OF COUNSEL:  
2 FOR PLAINTIFFS, SECURITIES AND EXCHANGE COMMISSION:  
3 U.S. SECURITIES AND EXCHANGE COMMISSION  
4 BY: TIMOTHY S. LEIMAN, ATTORNEY AT LAW  
5 PETER SENECHALLE, ATTORNEY AT LAW  
6 175 West Jackson Boulevard, Suite 900  
7 Chicago, Illinois 60604  
8 Telephone: (312) 353-7390  
9 Email: leimant@sec.gov  
10  
11 FOR DEFENDANT, KEVIN P. MILLER:  
12 CALDWELL LESLIE AND PROCTOR, PC  
13 BY: ANDREW ESBENSHADE, ATTORNEY AT LAW  
14 725 S. Figueroa Street, 31st Floor  
15 Los Angeles, California 90017  
16 Telephone: (213) 629-9040  
17 Email: esbensshade@caldwell-leslie.com  
18  
19 FOR DEFENDANT, WAYNE WEAVER:  
20 SCHEPER KIM HARRIS  
21 BY: MARC S. HARRIS, ATTORNEY AT LAW  
22 601 West Fifth Street, 12th Floor  
23 Los Angeles, California 90071  
24 Telephone: (213) 613-4690  
25 Email: mharris@scheperkim.com

Page 4

1 APPEARANCES OF COUNSEL - (CONTINUED):  
2 FOR DEFENDANTS, MICHAEL K. SUN  
3 and MOHAMMED A. AL-BARWANI:  
4 VENABLE LLP  
5 BY: PATRICK J. BOYLE ATTORNEY AT LAW  
6 ARIE E. PELED, ATTORNEY AT LAW  
7 1270 Avenue of the Americas, 24th Floor  
8 New York, New York 10020  
9 Telephone: (212) 307-5500  
10 Email: pboyle@venable.com  
11  
12 FOR DEFENDANT, RENÉ BERLINGER  
13 BUTZEL LONG PC  
14 BY: THOMAS EARL PATTON, ATTORNEY AT LAW  
15 1747 Pennsylvania Avenue NW, Suite 300  
16 Washington, DC 20006  
17 Telephone: (202) 454-2800  
18 Email: pattont@butzel.com  
19  
20 ALSO PRESENT:  
21 CHRIS MARTIN, CLVS  
22 WAYNE S.P. WEAVER  
23 PEGGY DAYTON (TELEPHONICALLY)  
24  
25

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 5			Page 7		
1	INDEX		1	EXHIBITS - (CONTINUED)	
2	TUESDAY, FEBRUARY 7, 2017		2	RENÉ BERLINGER	
3	RENÉ BERLINGER	Page	3	Number Description Page	
4	Examination by MR. LEIMAN	15	4	Exhibit 83 VP Bank account-opening documents;	
5	P.M. SESSION	124	5	Bates Nos. BER00002204 through	
6	Examination by MR. LEIMAN	124	6	BER00002299 - 93 pages	16
7	Examination by MR. ESBENSHADE	203	7		
8	Examination by MR. HARRIS	213	8	Exhibit 84 VP Bank statements for Chilli	
9	Examination by MR. BOYLE	228	9	Capital; Bates Nos. BER00002273	
10	Examination by MR. LEIMAN	241	10	through BER00002337 - 25 pages	16
11			11		
12	-o0o-		12	Exhibit 85 Chilli Capital transaction documents;	
13			13	Bates Nos. BER00002290 through	
14	QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:		14	BER00002239 - 7 pages	16
15	PAGE LINE		15		
16	225 15		16	Exhibit 86 Faxes; Bates Nos. BER00002240 through	
17			17	BER00002241 - 6 pages	16
18			18		
19			19	Exhibit 87 Multiple documents; Bates Nos.	
20			20	BER00000828 through SUN_PROD_00000130	
21			21	- 75 pages	16
22			22		
23			23	Exhibit 88 Bank statements for Westpark Limited;	
24			24	Bates Nos. BER00000671 through	
25			25	BER00000683 - 22 pages	16
Page 6			Page 8		
1	EXHIBITS		1	EXHIBITS - (CONTINUED)	
2	RENÉ BERLINGER		2	RENÉ BERLINGER	
3	Number Description Page		3	Number Description Page	
4	Exhibit 78 Los Colinas documents; Bates Nos.		4	Exhibit 89 Asset statements for Westpark	
5	FINMA-0000216 through FINMA-0000048		5	Limited; Bates Nos. SUN_PROD_00000417	
6	- 38 pages	16	6	thorough BER00000785 - 96 pages	16
7			7		
8	Exhibit 79 Los Colinas bank statements; Bates		8	Exhibit 90 Multiple documents; Bates Nos.	
9	Nos. BER00002928 through		9	BER00002660 through BER00000686	
10	SEC-FINMA-P-0000451 - 35 pages	16	10	- 33 pages	16
11			11		
12	Exhibit 80 Los Colinas asset statements; Bates		12	Exhibit 91 Fax transmittals documents; Bates	
13	Nos. BER00002349 thorough		13	Nos. SUN_PROD_00000107 through	
14	SEC-FINMA-P-0000461 - 49 pages	16	14	BER00000693 - 29 pages	16
15			15		
16	Exhibit 81 Transaction documents; Bates Nos.		16	Exhibit 92 Multiple documents; Bates Nos.	
17	FINMA-0000254 through BER00002779		17	BER00002471 through FINMA-0000314	
18	- 55 pages	16	18	- 18 pages	16
19			19		
20	Exhibit 82 Fax transmittal forms; Bates Nos.		20	Exhibit 93 Bank statements for Renavial; Bates	
21	BER00002389 thorough BER00000389		21	Nos. BER00000555 through	
22	- 38 pages	16	22	SEC-FINMA-P-0000137 - 49 pages	16
23			23		
24			24		
25			25		

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.Rene Berlinger  
February 07, 2017

Page 9			Page 11		
1	EXHIBITS - (CONTINUED)		1	EXHIBITS - (CONTINUED)	
2	RENÉ BERLINGER		2	RENÉ BERLINGER	
3	Number	Description Page	3	Number	Description Page
4	Exhibit 94	Transaction confirmations; Bates Nos. BER00000550 through BER00000572	4	Exhibit 105	E-mail chain with attachment; Bates Nos. BER00000289 through BER00000293
5		- 58 pages 16	5		- 5 pages 109
6			6		
7			7		
8	Exhibit 95	Fax transmittal documents; Bates Nos. BER00000551 through BER00000630	8	Exhibit 106	Multiple documents; Bates Nos. BER00002300 through BER00002304
9		- 32 pages 16	9		- 5 pages 112
10			10		
11			11		
12	Exhibit 96	Asset statements for Renavial; Bates Nos. AL-BARWANI_00000333 through SEC-FINMA-P-0000144 - 113 pages	12	Exhibit 107	Share Issuance Agreement; Bates Nos. JJC001084 though JJC001102 - 9 pages
13		16	13		115
14			14		
15			15	Exhibit 108	E-mail chain; Bates Nos. BER00000297 through BER00000298 - 2 pages
16	Exhibit 97	Account-opening documents for Calgon; Bates Nos. CIMA-0000055 through CIMA-00001111 - 58 pages	16		118
17		16	17		
18			18	Exhibit 109	Share certificates; Bates Nos. BER00000631 through BER00000639
19			19		- 9 pages 120
20	Exhibit 98	Bank statements for Calgon; Bates Nos. CIMA-0000184 through CIMA-0000190 - 8 pages	20		
21		16	21		
22			22	Exhibit 110	Multiple documents; BER00002435 through BER00002438 - 4 pages
23			23		133
24			24		
25			25		

  

Page 10			Page 12		
1	EXHIBITS - (CONTINUED)		1	EXHIBITS - (CONTINUED)	
2	RENÉ BERLINGER		2	RENÉ BERLINGER	
3	Number	Description Page	3	Number	Description Page
4	Exhibit 99	Multiple documents; Bates Nos. BER00000639 through BER00003163	4	Exhibit 111	E-mail; Bates Nos. BER00001004
5		- 50 pages 16	5		- 1 page 141
6			6		
7			7	Exhibit 112	E-mail chain; Bates Nos. BR*921 through BER00000922 - 2 pages
8	Exhibit 100	Diagram; Bates Nos. BER00002186	8		143
9		- 1 page 27	9		
10			10	Exhibit 113	Fax; Bates Nos. BER00002389 through BER00002388 - 2 pages
11	Exhibit 101	Exhibit Binder Index - 6 pages	11		145
12			12		
13	Exhibit 102	E-mail chain with attachment; Bates Nos. BER00000281 through BER00000283	13	Exhibit 114	E-mail chain; Bates Nos. BER00000319 through BER00000320 - 2 pages
14		- 3 pages 97	14		148
15			15		
16			16	Exhibit 115	E-mail chain with attachments; Bates Nos. BER00001182 through BER00001187
17	Exhibit 103	Share Purchase Agreement; BER00002332 through BER00002334 - 3 pages	17		- 6 pages 152
18		99	18		
19			19		
20	Exhibit 104	Share Purchase Agreement; Bates Nos. BER00000656 through BER00000658	20	Exhibit 116	E-mail chain; Bates Nos. BER00000186 through BER00000187 - 2 pages
21		- 3 pages 101	21		156
22			22		
23			23	Exhibit 117	E-mail chain; BER00000073 through BER00000075 - 3 pages
24			24		159
25			25		

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 13			Page 15		
1	EXHIBITS - (CONTINUED)		1	EXHIBITS - (CONTINUED)	
2	RENÉ BERLINGER		2	RENÉ BERLINGER	
3	Number	Description Page	3	Number	Description Page
4	Exhibit 118	E-mail; Bates No. BER00000080	4	Exhibit 131	Las Colinas invoices; Bates Nos.
5		- 1 page 163	5		SEC-FINMA-P-0000612 through
6			6		SEC-FINMA-P-000580 - 7 pages 201
7	Exhibit 119	E-mail with attachment; Bates Nos.	7		
8		BER00000067 through BER00000068	8	Exhibit 132	Fax; Bates Nos. BER000002389 through
9		- 2 pages 165	9		BER00002390 - 4 pages 211
10			10		
11	Exhibit 120	E-mail chain; Bates No. BER00003092	11	Exhibit 133	E-mail chain; Bates No. BER00000124
12		- 1 page 171	12		- 1 page 212
13			13		
14	Exhibit 121	E-mail chain with attachment; Bates	14	Exhibit 134	E-mail chain; BER00000121 - 1 page 214
15		Nos. BER00000963 through BER00000965	15		
16		- 3 pages 175	16		
17			17		
18	Exhibit 122	E-mail chain; Bates Nos. BER00001144	18		
19		through BER0000114- 2 pages 177	19		
20			20		
21	Exhibit 123	E-mail chain; Bates Nos. BER00000070	21		
22		through BER00000072 - 7 pages 178	22		
23			23		
24	Exhibit 124	Bank statement; Bates NO. BER00002542	24		
25		- 1 pages 181	25		
Page 14			Page 16		
1	EXHIBITS - (CONTINUED)		1	TUESDAY, FEBRUARY 7, 2017; 9:42 A.M.	
2	RENÉ BERLINGER		2	(Exhibits Nos. 78 through 99 were marked for	
3	Number	Description Page	3	identification.)	
4	Exhibit 125	E-mail chain; BER00001014 through	4	<b>VIDEOTAPE OPERATOR:</b> Good morning. We're on the	
5		BER00001019 - 6 pages 187	5	record. This is the beginning of DVD No. 1 in the	
6			6	deposition of René Berlinger in the matter of United	
7	Exhibit 126	E-mail; Bates Nos. BER00000063	7	States Securities and Exchange Commission versus Jammin'	
8		through BER00000064 - 2 pages 188	8	Java Corp., et al., case filed in the U.S. District	
9			9	Court, Central District of California, Case No.	
10	Exhibit 127	E-mail chain; Bates Nos. BER*0018	10	2:15-cv-08921. Today's date is February 7, 2017, and	
11		through BER00000020 - 3 pages 191	11	the time on the video monitor is 9:42 a.m.	
12			12	My name is Chris Martin. I'm the videographer,	
13	Exhibit 128	E-mail with attachment; Bates Nos.	13	contracted with Behmke Reporting & Video Services,	
14		BER00002647 through BER00002646	14	160 Spear Street, Suite 300, San Francisco, California.	
15		- 6 pages 196	15	This video deposition is taking place at 271 Cadman	
16			16	Plaza East, Brooklyn, New York, and was noticed by	
17	Exhibit 129	Invoices for R. Berlinger; Bates Nos.	17	Timothy Leiman of the Securities and Exchange	
18		SEC-FINMA-P-0000263 through	18	Commission.	
19		SEC-FINMA-P-0000290 - 7 pages 197	19	At this time will counsel around the table	
20			20	please introduce themselves for the record.	
21	Exhibit 130	Westpark Limited time records; Bates	21	<b>MR. LEIMAN:</b> Tim Leiman for the Securities and	
22		Nos. SEC-FINMA-P-0000446 though	22	Exchange Commission.	
23		SEC-FINMA-P-0000419 - 7 pages 200	23	<b>MR. SENECHALLE:</b> Peter Senechalle for the Securities	
24			24	and Exchange Commission.	
25			25	<b>MR. ESBENSHADE:</b> Andy Esbenshade on behalf of Kevin	

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 41	Page 43
<p>1 brought most of the new clients brought to us because of</p> <p>2 our level of service, the accuracy, speed, things like</p> <p>3 that, pricing. So he brought most of the clients to me,</p> <p>4 not to Victor.</p> <p>5 Q. And was he generally your point of contact --</p> <p>6 A. Yes.</p> <p>7 Q. -- for the companies that had accounts at</p> <p>8 VP Bank?</p> <p>9 A. Yes.</p> <p>10 Q. I'd like to talk about some of the entities</p> <p>11 that are at issue in this case, and for this I'd like to</p> <p>12 refer to some of the documents that are in a binder that</p> <p>13 you have seen before.</p> <p>14 A. Okay. I'm ready.</p> <p>15 Q. First of all, you met with the SEC yesterday,</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And at that meeting we gave you a copy of the</p> <p>19 binder that's in front of you right now, correct?</p> <p>20 A. Yes.</p> <p>21 Q. I'd like to note for the record that we have</p> <p>22 premarked group exhibits in a binder that's now in front</p> <p>23 of Mr. Berlinger, Group Exhibits 78 through 99, and I'll</p> <p>24 refer to them periodically as we go.</p> <p>25 First, I want to talk to you about an entity</p>	<p>1 Q. And Admita is you and Victor Gallus?</p> <p>2 A. Yes.</p> <p>3 Q. Other than Admita Nominees, were there any</p> <p>4 other officers for Las Colinas?</p> <p>5 A. No.</p> <p>6 Q. Other than Admita Nominees, were there any</p> <p>7 directors for Las Colinas?</p> <p>8 A. Just me and Victor.</p> <p>9 Q. Other than the trading of penny stock and the</p> <p>10 transmittal of proceeds, did Las Colinas have any</p> <p>11 business operations?</p> <p>12 MR. ESBENSHADE: Calls for speculation.</p> <p>13 A. What does that mean?</p> <p>14 Q. No, you can answer the question.</p> <p>15 A. Yeah, okay. They had no employees, no other</p> <p>16 thing, but just investing.</p> <p>17 Q. Okay.</p> <p>18 A. Yeah.</p> <p>19 Q. And investing in penny stocks, correct?</p> <p>20 A. Not hundred percent sure that it's only penny</p> <p>21 stocks, but yes.</p> <p>22 Q. Okay. And what jurisdiction was Las Colinas</p> <p>23 formed in?</p> <p>24 A. That was a Marshall Islands company.</p> <p>25 Q. And you opened up an account for Las Colinas,</p>
Page 42	Page 44
<p>1 called Las Colinas.</p> <p>2 And I think you mentioned that you're familiar</p> <p>3 with Las Colinas, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. How are you familiar with Las Colinas?</p> <p>6 A. I incorporated the company, opened up a bank</p> <p>7 account, completed the Know Your Client forms, and</p> <p>8 that's it.</p> <p>9 Q. And you served as the nominee officer for Las</p> <p>10 Colinas, correct?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. Were there any other officers at Las Colinas?</p> <p>13 A. Actually, it was a company called Admita</p> <p>14 Nominees, which we use -- maybe we come later on to</p> <p>15 that?</p> <p>16 Q. No, let's talk about that now.</p> <p>17 What is Admita Nominees?</p> <p>18 A. Admita Nominees is -- rather than having -- for</p> <p>19 our 250 clients, having us as director, we used a</p> <p>20 director company called Admita Nominees, and this was --</p> <p>21 in this company my person and Victor Gallus were</p> <p>22 directors.</p> <p>23 Q. So Admita Nominees is the nominee for Las</p> <p>24 Colinas, correct?</p> <p>25 A. For Las Colinas.</p>	<p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And are you familiar with that account?</p> <p>4 A. Yes.</p> <p>5 Q. And where was the account formed?</p> <p>6 A. VP Bank.</p> <p>7 Q. And was Mr. Lacher your point of contact for</p> <p>8 Las Colinas?</p> <p>9 A. He was, yes.</p> <p>10 Q. Looking at the binder, starting with Group</p> <p>11 Exhibit 78 --</p> <p>12 MR. HARRIS: Sorry. How do the exhibit numbers</p> <p>13 correspond to the tabs?</p> <p>14 MR. LEIMAN: So -- I'm sorry. So each numbered tab</p> <p>15 will be an exhibit, so you're right, I'll call out the</p> <p>16 numbered tab too.</p> <p>17 So we're looking at numbered Tab 1, which is</p> <p>18 Group Exhibit 78.</p> <p>19 MS. DAYTON: Is it possible to read the Bates</p> <p>20 numbers, or are they randomly --</p> <p>21 MR. LEIMAN: We can provide an index afterwards, but</p> <p>22 I think providing Bates numbers is going to create sort</p> <p>23 of a multiple-hour affair, but in general these are what</p> <p>24 appear to be incorporation documents for Las Colinas.</p> <p>25 MS. DAYTON: Okay.</p>



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 45</p> <p>1 BY MR. LEIMAN:</p> <p>2 Q. Mr. Berlinger, are you familiar with the</p> <p>3 documents behind Tab 1, Group Exhibit 78?</p> <p>4 A. Yes.</p> <p>5 Q. And what are they?</p> <p>6 A. These are the company documents: Articles of</p> <p>7 incorporation. What else do we have? Bylaws. What</p> <p>8 else? Certificate of incorporation. Yeah, that's it.</p> <p>9 Q. Are these typical of the documents that you</p> <p>10 would receive when you formed a company in the Marshall</p> <p>11 Islands?</p> <p>12 A. Yeah. In these copies are the certificate --</p> <p>13 the share certificate of the company.</p> <p>14 Q. So normally, you would get a share certificate</p> <p>15 --</p> <p>16 A. Normally, I get the full set, including a fair</p> <p>17 share certificate.</p> <p>18 Q. Okay. But other than the share certificate,</p> <p>19 are these the documents you received for Las Colinas?</p> <p>20 A. Yeah, that should be complete. Yeah.</p> <p>21 Q. Okay. And how did you -- did you obtain these</p> <p>22 documents as the nominee officer and director of Las</p> <p>23 Colinas?</p> <p>24 A. Uh-huh.</p> <p>25 Q. I'm sorry.</p>	<p style="text-align: right;">Page 47</p> <p>1 account-opening documents relating to a VP Bank for Las</p> <p>2 Colinas.</p> <p>3 A. Uh-huh.</p> <p>4 Q. So this is now still Exhibit 78, still Tab 1,</p> <p>5 Tab 1-C.</p> <p>6 And are you familiar with these documents?</p> <p>7 A. Yes, this is a set of account opening forms,</p> <p>8 but not complete, a few documents missing. In this</p> <p>9 case, especially also the Form A, I don't find that, and</p> <p>10 Form A has to be done by the bank as well, not just in</p> <p>11 my file; the bank must have the same file.</p> <p>12 Q. Okay. So we just saw --</p> <p>13 A. And there are other documents. It's two things</p> <p>14 -- it's not complete.</p> <p>15 Q. Okay. And just for the record, when you were</p> <p>16 referring to Form A, what we just saw at Tab 1-B --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- so Exhibit 78-B, that was a Form A, correct?</p> <p>19 A. That's a Form A which was from out of my file,</p> <p>20 and VP Bank does their own Form A, but they have to have</p> <p>21 it as well.</p> <p>22 Q. Okay. So are these documents at Tab 1-C, this</p> <p>23 is a portion of the documents that you would use to open</p> <p>24 up an account at VP Bank; is that accurate?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes.</p> <p>2 Q. And when you received documents related to Las</p> <p>3 Colinas, would you typically maintain those? Would you</p> <p>4 store them?</p> <p>5 A. I'd file them.</p> <p>6 Q. And would you maintain files for each company</p> <p>7 that you formed?</p> <p>8 A. Yes.</p> <p>9 Q. And looking at Tab B, so 1-B, which appears to</p> <p>10 be a Declaration of Identity of the Beneficial Owner,</p> <p>11 are you familiar with that document?</p> <p>12 A. Yes.</p> <p>13 Q. And is that your signature in the lower right?</p> <p>14 A. It is.</p> <p>15 Q. And what is this document?</p> <p>16 A. This document is an internal document, which</p> <p>17 defines and declares who is the ultimate beneficial</p> <p>18 owner.</p> <p>19 Q. And from your perspective, who was the</p> <p>20 beneficial owner of Las Colinas?</p> <p>21 A. This was Kevin.</p> <p>22 Q. And who is Kevin?</p> <p>23 A. Miller.</p> <p>24 Q. Kevin Miller.</p> <p>25 Looking at Tab C, what appears to be</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. And when you receive these documents, you would</p> <p>2 store them as nominee officer for Las Colinas?</p> <p>3 A. Yes.</p> <p>4 Q. And these documents look familiar to you?</p> <p>5 A. They are, yes.</p> <p>6 Q. I'd like to look at Tab 2, which is Group</p> <p>7 Exhibit 79.</p> <p>8 These appear to be a series of monthly</p> <p>9 statements for Las Colinas?</p> <p>10 A. That's correct.</p> <p>11 Q. And are you familiar with these documents?</p> <p>12 A. Uh-huh. Yes.</p> <p>13 Q. And what are they?</p> <p>14 A. Bank statements for a certain period, including</p> <p>15 just a U.S. dollar account, starting with balances</p> <p>16 in/out transactions, just over a period all movements</p> <p>17 within the account.</p> <p>18 Q. And what entity are these statements for?</p> <p>19 A. I get them regularly, and I have to file them</p> <p>20 just for audits I have regularly. So I need to show how</p> <p>21 much money is in the account, what's been sent in and</p> <p>22 out, what's the contracts behind. So we need to</p> <p>23 document that for internal Swiss regulations.</p> <p>24 Q. And for Exhibit 79 which entity do these</p> <p>25 statements cover?</p>



<p style="text-align: right;">Page 49</p> <p>1 A. It covers Las Colinas. 2 Q. And did you receive these periodically from 3 VP Bank? 4 A. Yes. 5 Q. And how often would you receive them, monthly? 6 A. It could be monthly, it could be quarterly, 7 depending on whatever we wished, first, and secondly 8 when the account was -- there was no movement on it, 9 they just kept it, and extended -- and the bank extended 10 the period. But I'd say normal, the typical case was a 11 quarter, every quarter. 12 Q. And you've seen these statements before, 13 correct? 14 A. Yes. 15 Q. And are they true and accurate statements of 16 the monthly statements that you would receive from 17 VP Bank? 18 A. Yeah, yes. 19 Q. As a general matter, did you find VP Bank's 20 statements for Las Colinas to be accurate? 21 A. Yes, there was no doubt. They were 22 electronically [sic], and they get audited, so they have 23 accurate internally as well, so there was no doubt to 24 think there was something wrong with the accounts they 25 do.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. And did you typically receive these asset 2 statements from VP Bank? 3 A. Uh-huh, yes. 4 Q. And how often would you receive them? 5 A. Also quarterly. 6 Q. And would you keep a file of the asset 7 statements in your role as the nominee and director of 8 Las Colinas? 9 A. Yes. 10 Q. And in your role as director and nominee of Las 11 Colinas, did you generally find VP Bank's statements to 12 be accurate? 13 A. They were correct. 14 Q. I'd like to look at Tab 4, which we have marked 15 as Exhibit 81. This appears to be a series of one-page 16 transaction documents, some called Notice of Receipt, 17 some called Debit Advice, some called Certificates of 18 Receipt. 19 Are you familiar with the documents at Tab 4 20 Exhibit 81? 21 A. In Section A? 22 Q. So A through -- 23 A. Oh, okay. 24 Q. -- through L. 25 Each one appears to be a separate</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And in your role as the director and officer of 2 Las Colinas, did you find the monthly statements for Las 3 Colinas to be accurate? 4 A. Yes. 5 Q. I'd like to look at Tab 3, which we've marked 6 as Exhibit No. 80, and here we've got Tabs 3-A 7 through 3-L, which appear to be a series -- oh, sorry -- 8 3-A through 3-G, which appear to be series of asset 9 statements for Las Colinas. 10 A. That is correct. 11 Q. Are you familiar with the documents in 12 Exhibit 80 at Tab 3? 13 A. Yes, I am. 14 Q. And what are these? 15 A. This lists all the assets over a certain 16 period, rather than the documents we have before with 17 just the currencies listed. This is just the assets -- 18 Q. So -- 19 A. -- showing equities broken down to each symbol 20 they had, plus also as a single statement to currency. 21 Q. And how often were these documents created? 22 A. Also I would say quarterly. 23 Q. And who created the documents at Tab 3 24 Exhibit 80? 25 A. That's VP Bank.</p>	<p style="text-align: right;">Page 52</p> <p>1 transaction-specific document. 2 A. Yes. 3 Q. Are you familiar with those documents -- 4 A. Yes. 5 Q. -- A through L. 6 And what are they? 7 A. Any movement in the account caused the bank to 8 send a statement to us, so it's not just the monthly or 9 the quarterly statements. We get -- per transaction we 10 get a sheet which says so and so money has left, we have 11 so many shares sold, or -- whatever was changing the 12 account was documented by VP Bank by a single sheet. 13 Q. And would that include stock trades? 14 A. Stock trades? Yes. 15 Q. Money coming in? 16 A. Yes. 17 Q. Money going out? 18 A. Yes. 19 Q. And how soon after a transaction would you 20 typically receive one of these transaction-specific 21 documents in Exhibit 81? 22 A. Between one and three days. 23 Q. And you're familiar with these, correct? 24 A. With these? 25 Q. You're familiar with the documents in No.</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 53</p> <p>1 Exhibit 81 Tab 4, these documents?</p> <p>2 A. Yes.</p> <p>3 Q. And you received them in your role as nominee</p> <p>4 director, nominee officer; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. In that role as nominee officer, nominee</p> <p>7 director, for Las Colinas, did you generally find these</p> <p>8 transaction-specific statements to be accurate?</p> <p>9 A. Uh-huh, yes.</p> <p>10 Q. I'd like to look at Tab 5, which is Exhibit</p> <p>11 No. 82. It has Tabs A through P, as in "Peter," and</p> <p>12 appears to be a series of fax transmittal forms from</p> <p>13 Mr. Berlinger to VP Bank.</p> <p>14 Are you familiar with these documents?</p> <p>15 A. Yes, I am.</p> <p>16 Q. And what are they?</p> <p>17 A. The first is a fax, saying, "Please wire a</p> <p>18 million," to whom it goes to from the bank, what</p> <p>19 companies it is, and the wire instruction where it</p> <p>20 should go. The typical fax for any transaction.</p> <p>21 Q. And the Tabs A through P, are those documents</p> <p>22 similarly fax communications regarding specific</p> <p>23 transactions?</p> <p>24 MR. PATTON: Take a look at them.</p> <p>25 A. These are all standard, typical.</p>	<p style="text-align: right;">Page 55</p> <p>1 sheets in your files?</p> <p>2 A. Yes.</p> <p>3 Q. And you maintain them in your role as nominee</p> <p>4 officer and director of Las Colinas?</p> <p>5 A. That's correct.</p> <p>6 Q. And do these accurately reflect your</p> <p>7 instructions to VP Bank regarding certain transactions</p> <p>8 and Las Colinas?</p> <p>9 A. That's correct.</p> <p>10 Q. For a moment I'd like to move forward to</p> <p>11 Tab 10, which we had premarked as Exhibit No. 87.</p> <p>12 Are you familiar with an entity called</p> <p>13 Westpark?</p> <p>14 A. Yes, I am.</p> <p>15 Q. And what was Westpark?</p> <p>16 A. It was a Marshall Islands company, incorporated</p> <p>17 by Volante, with a VP Bank account, nominee director</p> <p>18 services. Yeah, that's it.</p> <p>19 Q. And did you help form Westpark?</p> <p>20 A. We sent the information, the incorporation fax</p> <p>21 to the agency, yes.</p> <p>22 Q. And were you directed to form Westpark?</p> <p>23 A. Yes.</p> <p>24 Q. And you severed as nominee officer and director</p> <p>25 for Westpark, correct?</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. And under what circumstances would you create</p> <p>2 these fax sheets?</p> <p>3 A. On -- based on instructions. It depends where</p> <p>4 it comes from, but I never execute a transaction on my</p> <p>5 own.</p> <p>6 Q. So it would be instructions from someone?</p> <p>7 A. From -- an instruction from Lacher, from Wayne,</p> <p>8 from the beneficial owner. These are accepted sources</p> <p>9 for executing a transaction.</p> <p>10 Q. So sometimes you would receive an instruction</p> <p>11 from Daniel Lacher related to Las Colinas; is that</p> <p>12 correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Sometimes you would receive instruction from</p> <p>15 Wayne Weaver; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And sometimes you would receive instructions</p> <p>18 from the beneficial owner?</p> <p>19 A. Yes.</p> <p>20 Q. And in this case for Las Colinas, the</p> <p>21 beneficial owner would be Kevin Miller, correct?</p> <p>22 MR. ESBENSHADE: Objection. Calls for speculation.</p> <p>23 Go ahead.</p> <p>24 A. Yes.</p> <p>25 Q. And you maintain copies of these fax cover</p>	<p style="text-align: right;">Page 56</p> <p>1 A. That's correct.</p> <p>2 Q. Were there any other officers at Westpark?</p> <p>3 A. No. As before I explained was Admita Nominees,</p> <p>4 not me personally.</p> <p>5 Q. Other than Admita Nominees, were there any</p> <p>6 other officers --</p> <p>7 A. No.</p> <p>8 Q. -- for Westpark?</p> <p>9 A. No.</p> <p>10 Q. And were there any other directors for Westpark</p> <p>11 other than Admita Nominees?</p> <p>12 A. No.</p> <p>13 Q. And did Westpark have any operations other than</p> <p>14 the trading of stock and the transfer of proceeds?</p> <p>15 A. As far as I know, no.</p> <p>16 Q. Did Westpark have any employees?</p> <p>17 A. No.</p> <p>18 Q. Did Westpark have a place of business other</p> <p>19 than where Admita Nominees is based?</p> <p>20 A. No.</p> <p>21 Q. Looking at what we've premarked as Exhibit 87,</p> <p>22 which is Tab 10-A and B. First let's take a look at</p> <p>23 Tab A.</p> <p>24 Are you familiar with these documents?</p> <p>25 A. Yes, these are the account opening forms.</p>

Page 57

1 Q. And are these forms that you assisted with in  
2 opening an account for Westpark?  
3 A. Yes.  
4 Q. Starting at the beginning, there's what appears  
5 to be a tax form that you signed.  
6 What is the tax form for?  
7 A. This is -- W-8BEN is a form which forced by the  
8 American. So we have to show that there's no  
9 relationship between -- there's no U.S. relation. If  
10 there would be a U.S. relation, the bank would have to  
11 report to the American authorities.  
12 Q. And then -- and by no U.S. connection, you mean  
13 that it's a Marshall Islands company, correct?  
14 A. No, the person.  
15 Q. Oh, the person.  
16 A. Of course, it's the company name, but in the  
17 end, of course, it goes back to the beneficiary.  
18 Q. Okay. So all the tax form is saying is that  
19 the beneficial owner is not connected to the U.S.?  
20 A. Yes.  
21 Q. Okay.  
22 A. No tax liability in the U.S.  
23 Q. After that, there appears to be a Know Your  
24 Customer Form.  
25 Are you familiar with that?

Page 58

1 A. Yes.  
2 Q. And what was that for?  
3 A. That was sort of the normal procedure to open  
4 up a bank account. We need to explain where's the money  
5 coming from, what's the background of the client. These  
6 questions you asked me before, here we can find out what  
7 he did. That describes professional background, assets,  
8 current employment, or whatever: History, family,  
9 living address.  
10 Q. And then you mentioned that this overall  
11 package at Tab A is for the opening of the VP Bank  
12 account; is that correct?  
13 A. That's correct.  
14 Q. And you opened a VP Bank account for Westpark,  
15 correct?  
16 A. That's correct.  
17 Q. Were you were you directed open up a bank  
18 account for Westpark?  
19 A. Yes.  
20 Q. Looking at Tab B, still in Exhibit 87, do you  
21 recognize those documents?  
22 A. Tab B?  
23 Q. Tab B.  
24 A. Yeah.  
25 Q. It's what appears to be a series of

Page 59

1 incorporation documents --  
2 A. Yeah.  
3 Q. -- related to Westpark?  
4 A. That's a copy of the company incorporation  
5 forms -- docs.  
6 Q. And did you receive these in your capacity as  
7 nominee officer and director of Westpark?  
8 A. That's correct.  
9 Q. And this relates to the creation of Westpark,  
10 correct?  
11 A. Yes.  
12 Q. And like Las Colinas, you received these from  
13 the officials in the Marshall Islands; is that correct?  
14 A. Yes.  
15 Q. And you kept copies in your position --  
16 A. The originals.  
17 Q. Okay -- in your position as nominee officer and  
18 director of Westpark, correct?  
19 A. That's correct.  
20 Q. Who was the beneficial owner of Westpark?  
21 A. Michael Sun.  
22 Q. And from time to time did you receive  
23 directions on how to proceed with transactions in  
24 Westpark?  
25 A. Can you rephrase again, please?

Page 60

1 Q. Did you sometimes receive instructions to  
2 engage in transactions in Westpark?  
3 A. I don't know how many, but definitely not many.  
4 Q. Okay. But from time to time you would receive  
5 instructions?  
6 A. Yes. Let's say when the amount was reasonable,  
7 an instruction came maybe from Daniel, Daniel Lacher  
8 from VP Bank. Then I asked to get the confirmation from  
9 the ultimate beneficial owner, just to make sure that  
10 the owner knows that a reasonable amount is leaving the  
11 account or whatever. So we accepted transactions from  
12 Daniel. To make sure it's okay when the amount was  
13 above, we asked for additional confirmation.  
14 Q. And above what amount would you ask for  
15 additional confirmation from the beneficial owner?  
16 A. I mean, 10,000, 50,000, we believed that the  
17 bank has instructions to receive from any source, which  
18 is enough for the bank to instruct me. But if I get it  
19 up and say, "Look, this weak for my audit. Whenever I  
20 have to show the documents, we send you the instruction  
21 and it doesn't show that I have a beneficial owner  
22 order, that looks bad for my audit at the end of course  
23 for me."  
24 Q. In general, would you personally confirm  
25 transactions with the beneficial owner?

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 61</p> <p>1 A. That's the normal way, yes.</p> <p>2 <b>Q. And did that always happen?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Now, sometimes you would receive instructions</b></p> <p>5 <b>from Daniel Lacher; is that correct?</b></p> <p>6 A. Yes.</p> <p>7 <b>Q. Would you also sometimes receive instructions</b></p> <p>8 <b>from Wayne Weaver?</b></p> <p>9 A. Sometimes, yes.</p> <p>10 <b>Q. And sometimes you would receive instructions</b></p> <p>11 <b>from the beneficial owner; is that correct?</b></p> <p>12 A. Yes, at least confirmations.</p> <p>13 <b>Q. Okay. I'd like to look at the exhibit that has</b></p> <p>14 <b>been premarked as 88, which has Tabs A through J. These</b></p> <p>15 <b>appear to be monthly statements for the account of --</b></p> <p>16 <b>MR. PATTON:</b> I'm sorry. What's the tab number?</p> <p>17 <b>MR. LEIMAN:</b> Sure. The tab number is 11.</p> <p>18 <b>MR. PATTON:</b> Okay.</p> <p>19 <b>MR. LEIMAN:</b> Premarked as 88. Tabs A through J, and</p> <p>20 these appear to be monthly statements for Westpark</p> <p>21 Limited.</p> <p>22 <b>THE WITNESS:</b> That's correct.</p> <p>23 <b>BY MR. LEIMAN:</b></p> <p>24 <b>Q. Are you familiar with these documents?</b></p> <p>25 A. Yes, I am.</p>	<p style="text-align: right;">Page 63</p> <p>1 account?</p> <p>2 A. Yes.</p> <p>3 <b>MR. LEIMAN:</b> I'd like to move ahead to Tab 12, which</p> <p>4 has been premarked as Exhibit 89. This has Tabs A</p> <p>5 through N, and appears to be a series of monthly asset</p> <p>6 statements for Westpark Limited. I will note for the</p> <p>7 record that at Tab 12-C, the statement appears to be</p> <p>8 missing a cover page.</p> <p>9 <b>MR. HARRIS:</b> I noticed that.</p> <p>10 <b>BY MR. LEIMAN:</b></p> <p>11 <b>Q. Other than that, are you familiar with the</b></p> <p>12 <b>documents at Tab 12 marked as Exhibit 89?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And what are they?</b></p> <p>15 A. These are asset statements, divided up, in this</p> <p>16 case for a certain period and per -- no, it's just</p> <p>17 general as far as I can see. Yeah, it's just asset</p> <p>18 statements which show buying price and current value</p> <p>19 over a certain period.</p> <p>20 <b>Q. And this is for the Westpark account, correct?</b></p> <p>21 A. That's for the Westpark account, yes.</p> <p>22 <b>Q. And did you receive these periodically from</b></p> <p>23 <b>VP Bank?</b></p> <p>24 A. Correct.</p> <p>25 <b>Q. And did you receive them in your capacity as</b></p>
<p style="text-align: right;">Page 62</p> <p>1 <b>Q. And what are they?</b></p> <p>2 A. These are statements showing any in and out</p> <p>3 transactions or sales proceeds from the U.S. dollar</p> <p>4 account and over different periods.</p> <p>5 <b>Q. This is for Westpark, correct?</b></p> <p>6 A. This is for Westpark.</p> <p>7 <b>Q. And you received these from VP Bank</b></p> <p>8 <b>periodically?</b></p> <p>9 A. Yes, I did. Yes.</p> <p>10 <b>Q. And how often would you receive these from</b></p> <p>11 <b>VP Bank?</b></p> <p>12 A. This would be quarterly.</p> <p>13 <b>Q. And you received these in your capacity as the</b></p> <p>14 <b>nominee officer and director of Westpark; is that</b></p> <p>15 <b>correct?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And did you maintain these documents as the</b></p> <p>18 <b>officer and director of Westpark?</b></p> <p>19 A. Yes, we filed them.</p> <p>20 <b>Q. And do these appear to be accurate copies of</b></p> <p>21 <b>the statements you received from VP Bank?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. In general, with your familiarity with this</b></p> <p>24 <b>account, did you find Westpark monthly statements to be</b></p> <p>25 <b>accurate reflections of the transactions in Westpark's</b></p>	<p style="text-align: right;">Page 64</p> <p>1 <b>the nominee officer and director of Westpark?</b></p> <p>2 A. That's correct.</p> <p>3 <b>Q. And did you maintain those records as the</b></p> <p>4 <b>nominee officer and director at Westpark?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Given your familiarity with Westpark's account,</b></p> <p>7 <b>did you generally find VP Bank's asset statements to be</b></p> <p>8 <b>an accurate reflection of the assets in Westpark's</b></p> <p>9 <b>account?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Other than what I mentioned before, which is</b></p> <p>12 <b>the pages missing from Tab C, do the documents at</b></p> <p>13 <b>Tab 12-A through Tab N appear to be accurate copies of</b></p> <p>14 <b>the asset statements for Westpark?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. I'd like to look at Tab 13, which has been</b></p> <p>17 <b>premarked as Exhibit 90, and these seem to be a series</b></p> <p>18 <b>of -- as we mentioned before -- one-page</b></p> <p>19 <b>transaction-specific documents, sometimes referred to as</b></p> <p>20 <b>receipts, contract notes, debit advice memos.</b></p> <p>21 A. That's correct.</p> <p>22 <b>Q. And you've seen these documents before?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And you're familiar with them?</b></p> <p>25 A. I am.</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 65</p> <p>1 Q. And what are they?</p> <p>2 A. Any transaction, sale proceeds, whatever has</p> <p>3 caused a change in the account balance or in the asset</p> <p>4 is here, documented as a single page.</p> <p>5 Q. And are these similar to the documents that we</p> <p>6 previously saw, related to Las Colinas?</p> <p>7 A. Yes.</p> <p>8 Q. And would you receive them as transactions</p> <p>9 occurred in Westpark's account?</p> <p>10 A. Yes.</p> <p>11 Q. And did these cover stock trades?</p> <p>12 A. They do.</p> <p>13 Q. Money coming into the account?</p> <p>14 A. Yes.</p> <p>15 Q. Money going out of the account?</p> <p>16 A. Yes.</p> <p>17 Q. Transfers within accounts?</p> <p>18 A. Yes.</p> <p>19 Q. And typically, how long would it take for you</p> <p>20 to receive documents related to Westpark transactions?</p> <p>21 A. Depending on what it was, but one to three</p> <p>22 days, within this period, we get.</p> <p>23 Q. And generally, did you find VP Bank</p> <p>24 transaction-specific documents to accurately reflect the</p> <p>25 transactions in Westpark's account?</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Instructions, instructions sent to VP Bank.</p> <p>2 Q. And they're sent from you, correct?</p> <p>3 A. They are sent from me; that's correct.</p> <p>4 Q. And do these appear to be accurate copies of</p> <p>5 the instructions that you sent for certain transactions</p> <p>6 in Westpark's account?</p> <p>7 A. Yes.</p> <p>8 Q. And when you sent an instruction from VP Bank,</p> <p>9 were you authorized to do it on your own?</p> <p>10 MR. BOYLE: Object to the form.</p> <p>11 A. Maybe we should rephrase.</p> <p>12 Q. Yeah, that makes sense.</p> <p>13 Did you have the authority to execute</p> <p>14 transactions --</p> <p>15 A. No.</p> <p>16 Q. -- without getting permission from someone</p> <p>17 else?</p> <p>18 A. No.</p> <p>19 Q. And did you receive instructions for certain</p> <p>20 transactions in Westpark's account from other</p> <p>21 individuals?</p> <p>22 A. That's correct.</p> <p>23 Q. And did you sometimes receive instructions from</p> <p>24 Daniel Lacher?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 66</p> <p>1 A. They did.</p> <p>2 Q. I'm sorry. Is that a --</p> <p>3 A. Yes.</p> <p>4 Q. And are the documents at Tab 13 Exhibit No. 90</p> <p>5 -- do they appear to you to be accurate copies of these</p> <p>6 transaction-specific documents for Westpark?</p> <p>7 A. They do, yes.</p> <p>8 Q. I'd like to go to Tab 14, which has been</p> <p>9 premarked as Exhibit No. 91.</p> <p>10 Looking at the documents from Exhibit 91, Tabs</p> <p>11 A through K, are you familiar with these documents?</p> <p>12 A. I am.</p> <p>13 Q. And what are they?</p> <p>14 A. This is an instruction sent to VP Bank out of</p> <p>15 Westpark, saying, "Please send 40,000 to these and these</p> <p>16 wire details." This is a fax and the page behind is the</p> <p>17 fax confirmation.</p> <p>18 MR. PATTON: Which number?</p> <p>19 THE WITNESS: A, 14-A.</p> <p>20 MR. PATTON: Which company.</p> <p>21 THE WITNESS: Westpark.</p> <p>22 MR. PATTON: Okay.</p> <p>23 BY MR. LEIMAN:</p> <p>24 Q. So looking at Tabs A through K, generally, what</p> <p>25 are those documents?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And did you sometimes receive instructions from</p> <p>2 Wayne Weaver?</p> <p>3 A. That's correct.</p> <p>4 Q. And sometimes receive instructions from the</p> <p>5 beneficial owner of Westpark?</p> <p>6 A. Yes.</p> <p>7 Q. I'd like to talk about an entity named</p> <p>8 Renavial.</p> <p>9 Are you familiar with the entity named</p> <p>10 Renavial?</p> <p>11 A. Yes.</p> <p>12 Q. And what is Renavial?</p> <p>13 A. It's a Marshall Islands company. We are</p> <p>14 directors with -- nominee directors with Admita</p> <p>15 Nominees, bank account with VP Bank. Yeah.</p> <p>16 Q. And did someone instruct you to form Renavial?</p> <p>17 A. Yes.</p> <p>18 Q. And who instructed you to form Renavial?</p> <p>19 A. This I don't remember. Maybe himself, the</p> <p>20 beneficial himself, or during instruction, "Look, this</p> <p>21 is René. This is who's the owner."</p> <p>22 Q. Well, I'll ask you, who's the owner for</p> <p>23 Renavial.</p> <p>24 A. Yeah, I always have to go back in the</p> <p>25 documents.</p>



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 69	Page 71
<p>1 Q. Okay.</p> <p>2 A. But let's say any of them said, "Look, this is</p> <p>3 your new partner. René will take care on everything."</p> <p>4 This is the beneficial owner," and then we proceeded</p> <p>5 together, collecting passport copies, collecting CVs.</p> <p>6 So we started to get all the ball rolling, collecting</p> <p>7 all the information we need to proceed.</p> <p>8 Q. And so --</p> <p>9 A. It could also be a kind of teamwork.</p> <p>10 Q. And in the team you've got Daniel Lacher,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. Was Wayne Weaver part of that team?</p> <p>14 A. Yes. Not team, just sometimes we were -- we</p> <p>15 did it by ourselves, sometimes it was just right after</p> <p>16 the meeting or whatever. Many options.</p> <p>17 Q. And of those options, one was Daniel Lacher,</p> <p>18 correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And one was Wayne Weaver, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And one is the beneficial owner; is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Admita Nominees served as the nominee</p>	<p>1 A. That's correct.</p> <p>2 Q. And was Admita Nominees the sole officer off</p> <p>3 Renavial?</p> <p>4 A. That's correct.</p> <p>5 Q. Are you aware of any other employees at</p> <p>6 Renavial?</p> <p>7 A. No.</p> <p>8 Q. And are you familiar with Renavial's accounts</p> <p>9 at VP Bank?</p> <p>10 A. Yes.</p> <p>11 Q. Are you aware of any activity by Renavial other</p> <p>12 than the trading of stock and the use of resulting</p> <p>13 proceeds?</p> <p>14 A. I don't know, but I would say no.</p> <p>15 Q. And did Renavial have a place of business other</p> <p>16 than the place of business for Admita Nominees?</p> <p>17 A. Not as I know.</p> <p>18 Q. And were you responsible for maintaining the</p> <p>19 records for Admita Nominees -- sorry -- for Renavial?</p> <p>20 A. Yes, I was.</p> <p>21 Q. And same question for the other entities: Were</p> <p>22 you responsible for maintaining the records for Las</p> <p>23 Colinas?</p> <p>24 A. That's correct.</p> <p>25 Q. And were you responsible for maintaining the</p>
Page 70	Page 72
<p>1 officer and director for Renavial, correct?</p> <p>2 A. That's right.</p> <p>3 Q. And primarily -- you know, we've discussed for</p> <p>4 these entities that Admita Nominees was the nominee</p> <p>5 officer and director.</p> <p>6 Is it fair to say that primarily you did most</p> <p>7 of the work related to the nominee services for those</p> <p>8 entities?</p> <p>9 A. That's correct.</p> <p>10 Q. What role did Victor Gallus have in nominee</p> <p>11 services?</p> <p>12 A. The backup.</p> <p>13 Q. He was a backup to you?</p> <p>14 A. Yeah.</p> <p>15 Q. In case you were not available?</p> <p>16 A. Yes.</p> <p>17 Q. And you were the primary point of contact; is</p> <p>18 that fair to say?</p> <p>19 A. That's right.</p> <p>20 Q. Was Admita Nominees the sole officer of</p> <p>21 Westpark -- I'm sorry -- of Renavial? Even I get</p> <p>22 confused sometimes.</p> <p>23 A. Yeah.</p> <p>24 Q. Was Admita Nominees the sole director of</p> <p>25 Renavial?</p>	<p>1 records for Westpark?</p> <p>2 A. That's correct.</p> <p>3 Q. And does that include the records that we have</p> <p>4 seen in Exhibits 78 through 92?</p> <p>5 A. Yes.</p> <p>6 Q. I'd like to look at Tab 15, which has documents</p> <p>7 A through D, and this has been premarked as Exhibit</p> <p>8 No. 92.</p> <p>9 Are you familiar with the document at Tab 15-A,</p> <p>10 so 92-A?</p> <p>11 A. I am, yes.</p> <p>12 Q. And what is that?</p> <p>13 A. This is the Form A, which we have for our</p> <p>14 files, which declares the ultimate beneficial owner of</p> <p>15 the company Renavial.</p> <p>16 Q. And I notice it's unsigned.</p> <p>17 Would you typically sign the Form As that were</p> <p>18 internal --</p> <p>19 A. Yes.</p> <p>20 Q. -- to Admita Nominees?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know why this one is not signed?</p> <p>23 A. I can sign it here.</p> <p>24 Q. That's fine. I'm not asking you to.</p> <p>25 A. I don't know why. Sorry for that. But, yes,</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 73

1 of course we do. I don't know why it's not signed here.  
2 **Q. Okay. Looking at Tab B, so 92-B, there's**  
3 **another Form A.**  
4 A. Yes.  
5 **Q. And this one is signed by you, correct?**  
6 A. Yeah, that's correct.  
7 **Q. What is the difference between the Form As that**  
8 **were at Tab 15-A -- 92-A and the Form A at Tab B?**  
9 A. Yeah, that's -- the first page is our internal  
10 form, and the other one is from the VP Bank.  
11 **Q. So Exhibit 92-A, that's your internal form?**  
12 A. Yes.  
13 **Q. And 92-B, that's for VP Bank?**  
14 A. Yes.  
15 **Q. And is that your signature in the lower right?**  
16 A. It is.  
17 **Q. It's dated September 21, 2010.**  
18 **Is that around when you incorporated Renavial?**  
19 A. It should be very close. It doesn't have to be  
20 exactly the same time, but yes.  
21 **Q. Looking at Tab C, there is what appears to be**  
22 **--**  
23 A. A bad copy.  
24 **Q. -- a bad copy of a Consent of Incorporator and**  
25 **other documents related to Renavial.**

Page 74

1 **Are you familiar with these documents?**  
2 A. Yes.  
3 **Q. And is this part of the incorporation package**  
4 **of documents for Renavial?**  
5 A. Yeah, that's very, very little documents. The  
6 main documents are missing, but we have that complete in  
7 our file.  
8 **Q. And so this is a portion of what you would**  
9 **receive when you incorporated Renavial, correct?**  
10 A. It is correct, yeah.  
11 **Q. And does this look like an accurate copy of the**  
12 **Consent of Incorporator related to Renavial?**  
13 A. Yes.  
14 **Q. Looking at Tab D, so Exhibit 92-D, are you**  
15 **familiar with these documents?**  
16 A. Yeah, account-opening forms. It's not a  
17 complete set. Forms we sent to VP Bank for opening the  
18 account.  
19 **Q. So are these accurate copies of some of the**  
20 **documents --**  
21 A. Some of the documents, yes.  
22 **Q. -- that you would send to VP Bank in connection**  
23 **with opening an account for Renavial?**  
24 A. Yes.  
25 **Q. What appears -- what documents are not in this**

Page 75

1 **group that would typically be part of the account**  
2 **opening?**  
3 A. First the W-8BEN, for instance, is obviously  
4 missing. I don't know what's missing. These and these  
5 -- I don't know. I can't list.  
6 **Q. Okay.**  
7 A. Ten different documents, usually they send.  
8 **Q. Is it fair to say --**  
9 A. Resolution, do you have resolution? Yeah, It's  
10 definitely not complete.  
11 **Q. Is it fair to say that first we have got an**  
12 **application form, correct?**  
13 A. This is an application form, yeah.  
14 **Q. Okay. Then --**  
15 A. Also there you can see on the first page. Do  
16 you see this quarterly, monthly, quarterly (indicating)?  
17 Can you see that?  
18 **Q. Yes.**  
19 A. This is the way which these statements would  
20 then arrive.  
21 **Q. That denotes when you would receive statements,**  
22 **correct?**  
23 A. Yes.  
24 **Q. And turning to the third page of Tab D, which**  
25 **is Bates labeled 310, is that your signature? The first**

Page 76

1 **signature, that's yours?**  
2 A. Yeah, yeah, it's mine.  
3 **Q. And do you know who the second signature is**  
4 **for?**  
5 A. This is Puccino Tallarini. This is deputy of  
6 Lacher -- Daniel.  
7 **Q. This is an associate of Daniel Lacher?**  
8 A. Yes, his secretary, actually. Was.  
9 **Q. And then following that, you have the**  
10 **legally-bonding signatures?**  
11 A. Uh-huh.  
12 **Q. And did you sign that form as well?**  
13 A. That is correct.  
14 **Q. And did you maintain copies of these**  
15 **account-opening documents?**  
16 A. Yes.  
17 **Q. And do those appear to be accurate copies of**  
18 **some of the account-opening documents that you sent to**  
19 **VP Bank?**  
20 A. Yes.  
21 **Q. And were you instructed to open up the account**  
22 **at VP Bank?**  
23 A. Yes.  
24 **Q. And again, you didn't have the authority on**  
25 **your own to open up an account, correct?**



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 77</p> <p>1 A. Exactly.</p> <p>2 Q. Looking at Tab 16, which we've marked as</p> <p>3 Exhibit 93, this has Tabs A through S, as in "Sam," and</p> <p>4 they appear to be monthly statements for Renavial</p> <p>5 Limited.</p> <p>6 Are you familiar with these documents?</p> <p>7 A. Yes, I am.</p> <p>8 Q. And what are they?</p> <p>9 A. These are statements showing all -- any</p> <p>10 movement in the accounts over a certain period, divided</p> <p>11 up into currencies, or at least per currency and per</p> <p>12 period, and it shows all the movements during a certain</p> <p>13 period.</p> <p>14 Q. And did you receive these documents in</p> <p>15 connection with your services as the nominee officer and</p> <p>16 director of Renavial?</p> <p>17 A. That's correct.</p> <p>18 Q. And how often would you receive these</p> <p>19 documents?</p> <p>20 A. In this case it looks like quarterly -- no,</p> <p>21 that's -- yes, quarterly.</p> <p>22 Q. And do these appear to be accurate copies of</p> <p>23 the monthly statements for Renavial that you received</p> <p>24 from VP Bank?</p> <p>25 A. They do.</p>	<p style="text-align: right;">Page 79</p> <p>1 premarked as Exhibit 94, which appear to be another</p> <p>2 series, this time Tab A through BB.</p> <p>3 MR. PELED: I'm sorry. Is this Tab 17?</p> <p>4 MR. LEIMAN: Yes, so this is Tab 17, Exhibit No. 94.</p> <p>5 BY MR. LEIMAN:</p> <p>6 Q. This appears to be another series of one- to</p> <p>7 two-page transaction-specific confirmations from</p> <p>8 VP Bank.</p> <p>9 A. That's correct.</p> <p>10 Q. And are you familiar with these documents?</p> <p>11 A. Yes, I am.</p> <p>12 Q. And what are these documents?</p> <p>13 A. Any transaction which caused any positive or</p> <p>14 negative valuation of the account has been shown in a</p> <p>15 single sheet, per transaction, and same to us.</p> <p>16 Q. And this includes stock trades?</p> <p>17 A. This includes stock trades, yes.</p> <p>18 Q. Money coming in?</p> <p>19 A. Yes.</p> <p>20 Q. Money going out?</p> <p>21 A. Yes.</p> <p>22 Q. And then you would receive a confirmation from</p> <p>23 VP Bank for Renavial?</p> <p>24 A. Exactly.</p> <p>25 Q. And did you receive these in your capacity as</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Recognizing that it's not a complete set --</p> <p>2 A. Yes.</p> <p>3 Q. -- from the opening of the account to the</p> <p>4 closing of the account?</p> <p>5 A. Yeah, but they do.</p> <p>6 Q. And did you generally find in your familiarity</p> <p>7 with this account that VP Bank provided accurate monthly</p> <p>8 statements to you?</p> <p>9 A. They did.</p> <p>10 Q. And did you maintain these in your capacity as</p> <p>11 nominee officer and director of Renavial?</p> <p>12 A. Yes.</p> <p>13 MR. LEIMAN: Let's go off the record to take a quick</p> <p>14 break for the changing of the tape.</p> <p>15 VIDEOTAPE OPERATOR: We're off the record. The time</p> <p>16 is 10:59. This is the end of Tape 1.</p> <p>17 (Recess.)</p> <p>18 VIDEOTAPE OPERATOR: We're back the on the record.</p> <p>19 The time is 11:09. This is the beginning of Tape 2 in</p> <p>20 the deposition of René Berlinger.</p> <p>21</p> <p>22 EXAMINATION RESUMED</p> <p>23 BY MR. LEIMAN:</p> <p>24 Q. Mr. Berlinger, we were looking at documents</p> <p>25 related to Renavial, and I'd like to move to what we've</p>	<p style="text-align: right;">Page 80</p> <p>1 nominee for Renavial?</p> <p>2 A. This is correct.</p> <p>3 Q. And did you maintain them as you received them?</p> <p>4 A. I filed them, yes.</p> <p>5 Q. And in your experience with being the nominee</p> <p>6 officer and director of Renavial, did you find these</p> <p>7 confirmations from VP Bank to be accurate?</p> <p>8 A. They're accurate. Not complete, of course, but</p> <p>9 accurate.</p> <p>10 Q. And by "not complete," you mean that not every</p> <p>11 single transaction is reflected in No. Exhibit 94,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. But for the transactions that have been</p> <p>15 included in Exhibit 94, do those appear to be accurate?</p> <p>16 A. Yes.</p> <p>17 Q. I'd like to go to Exhibit No. 95, which is</p> <p>18 Tab 18, and this has Tabs A through M, and they appear</p> <p>19 to be fax instructions from René Berlinger to VP Bank</p> <p>20 for Renavial.</p> <p>21 A. That's correct.</p> <p>22 Q. And are you familiar with these documents?</p> <p>23 A. Yes.</p> <p>24 Q. And what are they?</p> <p>25 A. Based on an instruction, at least by phone or</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 81</p> <p>1 e-mail, I completed these fax forms, sent them to the 2 bank, and filed a copy. 3 <b>Q. And do these appear to be accurate copies of</b> 4 <b>certain instructions that you gave to VP Bank related to</b> 5 <b>Renavial?</b> 6 A. They do, yes. 7 <b>Q. And you mentioned that you would receive</b> 8 <b>instructions.</b> 9 <b>For Renavial, did you sometimes receive</b> 10 <b>instructions to complete transactions from Daniel</b> 11 <b>Lacher?</b> 12 A. Correct. 13 <b>Q. Did you sometimes receive instructions from</b> 14 <b>Wayne Weaver?</b> 15 A. Correct. 16 <b>Q. Did you sometimes receive instructions from the</b> 17 <b>beneficial owner of Renavial?</b> 18 A. This is correct. 19 <b>Q. I'd like to look at Tab 19, which is marked as</b> 20 <b>Exhibit 96, and it has Tabs A through P, as in "Peter,"</b> 21 <b>and they appear to be a set of asset statements for</b> 22 <b>Renavial's account.</b> 23 A. It is correct. 24 <b>Q. And are you familiar with these documents?</b> 25 A. I am.</p>	<p style="text-align: right;">Page 83</p> <p>1 <b>Q. Who was the beneficial owner of Calgon?</b> 2 A. This is Wayne Weaver. 3 <b>Q. And were you instructed by Wayne Weaver to form</b> 4 <b>Calgon?</b> 5 A. Yes. 6 <b>Q. And did you open up an account for Calgon?</b> 7 A. Yes. 8 <b>Q. And where did you open up an account for</b> 9 <b>Calgon?</b> 10 A. That was Bateman. 11 <b>Q. Bateman?</b> 12 A. Bateman is a bank, Bateman Bank. I don't know 13 -- BNC Calculi [phonetic], potentially. 14 <b>Q. And why did you choose Bateman Bank instead of</b> 15 <b>VP Bank for?</b> 16 A. That was an existing relationship that Wayne 17 already had. He knew that bank. 18 <b>Q. And did Wayne Weaver instruct you to open up an</b> 19 <b>account at Bateman?</b> 20 A. I completed the docs, but he asked me to do so; 21 that's right. 22 <b>Q. And did you reserve as the nominee for Calgon?</b> 23 A. Sorry. I just was confused. I read "Panama," 24 in the document, but it's a Marshall Islands company. 25 Sorry.</p>
<p style="text-align: right;">Page 82</p> <p>1 <b>Q. And how are you familiar with them?</b> 2 A. I get them quarterly, showing the asset 3 statements -- showing the assets in the depository: 4 Valuation, total number of shares, purchase price, 5 things like that. 6 <b>Q. And you received these from VP Bank in your</b> 7 <b>capacity as the nominee for Renavial; is that correct?</b> 8 A. Yes, it's correct. 9 <b>Q. And did you maintain them in your capacity as</b> 10 <b>nominee?</b> 11 A. Yes. 12 <b>Q. And noting that some of these appear to what</b> 13 <b>have been produced by other parties, do they still</b> 14 <b>appear to be accurate copies of the asset statements</b> 15 <b>that you received?</b> 16 A. Yes. 17 <b>Q. Are you familiar with an entity called Calgon</b> 18 <b>Invest SA?</b> 19 A. I am. 20 <b>Q. And what is Calgon?</b> 21 A. Calgon is a Marshall Islands company. 22 <b>Q. And did you help form Calgon?</b> 23 A. I did. 24 <b>Q. And were you instructed to form Calgon?</b> 25 A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 <b>Q. Did you act as the nominee officer and director</b> 2 <b>for Calgon?</b> 3 A. I did. 4 <b>Q. And when I say "you," I mean Admita Nominees,</b> 5 <b>correct?</b> 6 A. Yes, yes, yes. 7 <b>Q. And as the nominee for Calgon, did you receive</b> 8 <b>instructions from time to time to execute transactions</b> 9 <b>for Calgon?</b> 10 A. Very, very, very infrequently, question. 11 <b>Q. And who did you receive instructions from?</b> 12 A. From Wayne. 13 <b>Q. Were there any other officers of Calgon?</b> 14 A. No. 15 <b>Q. Were there any other directors of Calgon?</b> 16 A. No. 17 <b>Q. Would you receive account statements from</b> 18 <b>Bateman, periodically?</b> 19 A. I have two or three pages only from this 20 company. I have not received bank statements the way we 21 were looking at for the companies before. I just got a 22 few pages, so they didn't send it regularly or 23 periodically. They didn't send it to me. 24 <b>Q. So unlike VP Bank, you were not --</b> 25 A. Provided with that, no.</p>

<p style="text-align: right;">Page 85</p> <p>1 Q. You were provided with these?</p> <p>2 A. No.</p> <p>3 Q. Not regularly, at least?</p> <p>4 A. At least, yes.</p> <p>5 Q. Are you generally familiar with the</p> <p>6 transactions for Calgon?</p> <p>7 A. Based on the missing documents, no.</p> <p>8 Q. How about based on the instructions you were</p> <p>9 given, are you generally familiar with --</p> <p>10 A. With that, yes.</p> <p>11 Q. -- that?</p> <p>12 Based on the instructions that you were given,</p> <p>13 are you aware of any activity for Calgon other than the</p> <p>14 trading of stocks and the use of resulting proceeds?</p> <p>15 A. Buying Coca Cola was an instruction.</p> <p>16 Q. A stock, correct?</p> <p>17 A. Yeah.</p> <p>18 Q. So are you familiar with any activities other</p> <p>19 than the buying and selling of stock and the use of</p> <p>20 proceeds?</p> <p>21 A. No, except maybe liquidation and things like</p> <p>22 that, but not transferring money.</p> <p>23 Q. And by "liquidation," you mean liquidation of</p> <p>24 the account?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Yes.</p> <p>2 Q. Pages 65 and 67, are those copies of your</p> <p>3 passport?</p> <p>4 A. This is correct.</p> <p>5 Q. And in the middle of page 66, there's a copy o</p> <p>6 what appears to be Wayne Weaver's passport; is that</p> <p>7 correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Did Wayne Weaver provide you with a copy of his</p> <p>10 passport?</p> <p>11 A. Yes.</p> <p>12 Q. And that was in connection with Calgon?</p> <p>13 A. Yes.</p> <p>14 Q. Looking at pages CIMA68 through 70, what are</p> <p>15 those?</p> <p>16 A. I mean, 68 is proof of residence from me. I</p> <p>17 had to show to the bank -- I had to show to confirm my</p> <p>18 home address with any insurance company, electricity</p> <p>19 bill, phone bill.</p> <p>20 Q. And that's what this is, right? It's a bill?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay.</p> <p>23 A. And 69, to be honest, I don't know what it is.</p> <p>24 Q. Okay. Well, looking at pages CIMA72 and on,</p> <p>25 these appear to be a series of documents related to the</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. I'd like to look at Tab 20, which is premarked</p> <p>2 as Exhibit 97, what appears to be a series of documents</p> <p>3 related to account opening and incorporation of Calgon.</p> <p>4 Now, looking at these, starting with the</p> <p>5 account-opening documents, are you familiar with those?</p> <p>6 A. Yes.</p> <p>7 Q. And starting with Bates number CIMA56 through</p> <p>8 CIMA64, are those documents related to the opening of an</p> <p>9 account at Bateman for Calgon?</p> <p>10 A. Uh-huh. Sixty-four, right? Yeah.</p> <p>11 Q. And is that your signature on page CIMA56?</p> <p>12 A. It is.</p> <p>13 Q. And again, CIMA58?</p> <p>14 A. Uh-huh, yes.</p> <p>15 Q. CIMA59?</p> <p>16 A. Yes.</p> <p>17 Q. And CIMA60?</p> <p>18 A. Yes.</p> <p>19 Q. And did someone direct you to fill out this</p> <p>20 information on behalf of Calgon?</p> <p>21 A. "Please open a bank account with Bateman," yes.</p> <p>22 Q. And who instructed you to do that?</p> <p>23 A. This was Wayne.</p> <p>24 Q. After those documents starting on page CIMA65</p> <p>25 through CIMA67, there's a series of passports?</p>	<p style="text-align: right;">Page 88</p> <p>1 incorporation of Calgon?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Are those documents familiar to you?</p> <p>4 A. I don't remember, actually, but yes, that's</p> <p>5 part of the --</p> <p>6 Q. I'm sorry. The next page.</p> <p>7 A. Oh, this one?</p> <p>8 Q. Right. So starting with the Articles of</p> <p>9 Incorporation --</p> <p>10 A. Yeah. Yeah, yeah, yeah.</p> <p>11 Q. -- to the end of Tab 20, are you familiar with</p> <p>12 those documents?</p> <p>13 A. Yes, those are the normal company documents.</p> <p>14 Q. And these documents are related to the</p> <p>15 incorporation of Calgon?</p> <p>16 A. Yes.</p> <p>17 Q. And you received them in your role as nominee</p> <p>18 for Calgon?</p> <p>19 A. That's right.</p> <p>20 Q. And do they appear to be accurate copies of</p> <p>21 what you received in connection with the incorporation</p> <p>22 of Calgon?</p> <p>23 A. Yes.</p> <p>24 Q. Moving to Tab 21, which we have marked as</p> <p>25 Exhibit 98, are you familiar with this document?</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 97	Page 99
<p>1 MR. LEIMAN: I'd like to look at a document that I</p> <p>2 will label as Exhibit 102.</p> <p>3 MS. DAYTON: Is it one you can read the Bates number</p> <p>4 on?</p> <p>5 MR. LEIMAN: Sure. It's BAR281.</p> <p>6 MS. DAYTON: Thank you.</p> <p>7 (Exhibit No. 102 was marked for</p> <p>8 identification.)</p> <p>9 BY MR. LEIMAN:</p> <p>10 Q. These appear to be e-mails between</p> <p>11 Mr. Berlinger and Mr. Weaver.</p> <p>12 Do you recognize Exhibit 102?</p> <p>13 A. Yes.</p> <p>14 Q. And what do these e-mails relate to?</p> <p>15 A. This is a letter to the transfer agent to get</p> <p>16 the list of share certificate. Attached and enclosed</p> <p>17 are certificates to be transferred to -- what is it --</p> <p>18 Las Colinas. Yes.</p> <p>19 Q. And looking at the e-mail from Wayne to you, so</p> <p>20 at the bottom of page 1, it says, "Attached is the form</p> <p>21 of a cover letter from Las Colinas in connection with</p> <p>22 additional certs it has in Jammin' Java. Can you please</p> <p>23 put into a Las Colinas letterhead, and then amend as you</p> <p>24 see fit, but then sign and courier to me."</p> <p>25 What was Wayne Weaver asking you to do?</p>	<p>1 So I didn't ask, "Do you have the power," and</p> <p>2 in this case I didn't ask the beneficial -- this</p> <p>3 beneficial owner, "Is that correct when I do that?"</p> <p>4 Q. You just got the instruction from Wayne and you</p> <p>5 followed that, correct?</p> <p>6 A. And I accepted that as given.</p> <p>7 Q. Okay.</p> <p>8 A. Or confirmed by the owner.</p> <p>9 MR. LEIMAN: I'd like to mark as Exhibit 103 a copy</p> <p>10 of the document where the Bates Number is BER2332, and</p> <p>11 it appears to be a share purchase agreement between</p> <p>12 Tyrone Investments and Las Colinas Limited.</p> <p>13 (Exhibit No. 103 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. LEIMAN:</p> <p>16 Q. And do you recognize this document?</p> <p>17 A. Yes.</p> <p>18 Q. And what is it?</p> <p>19 A. It's a share purchase agreement between Tyrone</p> <p>20 and Las Colinas. It's about 3.2 million shares of</p> <p>21 Jammin' Java.</p> <p>22 Q. And do you know what Tyrone Investments is?</p> <p>23 A. I don't know this company.</p> <p>24 Q. And did you know at the time?</p> <p>25 A. I mean at the time. Meanwhile, I got some more</p>
Page 98	Page 100
<p>1 A. Just to complete the form and send it to him.</p> <p>2 Q. And the form is on page 3 of the document?</p> <p>3 A. Yeah. Yes.</p> <p>4 Q. And does this relate to the purchase of Jammin'</p> <p>5 Java stock by Las Colinas from the people named on the</p> <p>6 third page --</p> <p>7 A. Yes.</p> <p>8 Q. -- of Exhibit 102?</p> <p>9 A. Yes.</p> <p>10 Q. And did you follow Wayne's instructions?</p> <p>11 A. Yes, I did, through e-mail.</p> <p>12 Q. You put the letter on Los Colinas letterhead,</p> <p>13 and then sent it to Wayne, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And did you believe that Wayne Weaver had the</p> <p>16 authority to give you instructions for the purchase of</p> <p>17 shares in Las Colinas?</p> <p>18 A. Yes.</p> <p>19 Q. And was that based on your prior dealings with</p> <p>20 Wayne Weaver?</p> <p>21 A. This was based on -- this is super-difficult to</p> <p>22 explain. Due to the relationship they had and due to</p> <p>23 the fiduciary service he offered, I just said, "It will</p> <p>24 be discussed with the ultimate beneficial owner, or he</p> <p>25 has kind of power to do so."</p>	<p>1 details, but I didn't know the company then.</p> <p>2 Q. Other than reviewing the SEC's complaint in</p> <p>3 this case, do you have knowledge as to what Tyrone</p> <p>4 Investments is?</p> <p>5 A. No.</p> <p>6 Q. Okay. Looking on the third page of the</p> <p>7 document, page 2334 of Exhibit 103, is that your</p> <p>8 signature on behalf of Las Colinas?</p> <p>9 A. Yes.</p> <p>10 Q. And you signed that as the nominee, correct?</p> <p>11 A. That's right.</p> <p>12 Q. Who created this document?</p> <p>13 A. I don't know.</p> <p>14 Q. Who sent it to you?</p> <p>15 A. I cannot verify.</p> <p>16 Q. You can't remember who sent it to you?</p> <p>17 A. Yes.</p> <p>18 Q. In general, when you were signing share</p> <p>19 purchase agreements, who would instruct you to execute</p> <p>20 --</p> <p>21 A. Usually I got it from Wayne.</p> <p>22 Q. So generally, from Wayne, but for this specific</p> <p>23 document, you can't recall; is that fair?</p> <p>24 A. Well, I don't -- I mean, yes, I have it, but I</p> <p>25 don't know where -- who sent it.</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 101	Page 103
<p>1 Q. Did you frequently receive share purchase 2 agreements from Wayne Weaver? 3 A. Yes. 4 Q. In those share purchase agreements, would you 5 decide how many shares to buy? 6 A. No. 7 Q. Who would? 8 A. It was part of the agreement. 9 Q. That you received from Wayne, correct? 10 A. That I received, yes. 11 Q. What about the price: Did you decide what the 12 price would be -- 13 A. No. 14 Q. -- in the share purchase agreement? 15 A. No. 16 Q. Was that just part of the agreement that Wayne 17 sent you? 18 A. Yes. 19 MR. LEIMAN: I'd like to mark as Exhibit 104 a copy 20 of another share purchase agreement. 21 MS. DAYTON: Could you read the Bates number? 22 MR. LEIMAN: Yep. BER656. 23 MS. DAYTON: Thank you. 24 (Exhibit No. 104 was marked for 25 identification.)</p>	<p>1 Q. So you received instructions to sign this, and 2 you followed those instructions, correct? 3 A. Correct. 4 Q. If this -- you mentioned that frequently these 5 documents, these share purchase agreements, would be 6 sent to you by Wayne. 7 Did you sometimes receive share purchase 8 agreements from other people? 9 A. Daniel, Daniel Lacher. 10 Q. So is it fair to say that you either received 11 this document from Wayne or from Daniel? 12 A. I mean, Daniel was in a similar situation as I 13 was: The number of shares and the price of the shares 14 was not in his ability or knowledge. So whenever I got 15 it from Daniel, it might have been from the beneficial 16 owner or from Wayne, being forwarded from Daniel. 17 Q. Did you ever receive share purchase agreements 18 directly from a beneficial owner? 19 A. I don't think so. Not as I recall. Whenever 20 they had something to be changed or done, they were more 21 addressed to go to Daniel. There was very few contact 22 with these beneficial owners. 23 Q. So we've talked about a few entities here: 24 We've talked about Westpark, we've talked about Las 25 Colinas, we've talked about Renavial.</p>
Page 102	Page 104
<p>1 BY MR. LEIMAN: 2 Q. And are you familiar with this document? 3 A. Yes. 4 Q. And what is it? 5 A. It's again a share purchase agreement between 6 Donnolis and Westpark over 2.8 million Jammin' Java 7 shares. 8 Q. And did you sign this document? 9 A. I did. 10 Q. And who did you receive this document from? 11 A. Same here. 12 Q. Probably Wayne, but you're not sure? 13 A. Yes. 14 Q. And did you decide the number of shares that 15 would be part of this agreement? 16 A. No. 17 Q. Was it just part of the agreement as it was 18 sent to you? 19 A. Exactly. 20 Q. And what about the price: Did you select the 21 price to be paid for this stock? 22 A. No. 23 Q. And was it just part of the document that was 24 sent to you? 25 A. Yes.</p>	<p>1 Did you have any knowledge at the time about 2 any legal requirements related to the percentage of 3 ownership of a public company that would trigger a 4 reporting obligation? 5 A. I know that this five-percent limit exists, and 6 I have no knowledge how many shares has been issued in 7 the name of Jammin', so there was no control for me, and 8 I didn't really look at, firstly, but just wasn't much 9 interested and just didn't look at. And secondly, I 10 couldn't even control it. I didn't know how many shares 11 they had. 12 Q. Did you know if Wayne Weaver had an 13 understanding regarding the five-percent limit? 14 A. He knows that, yes. 15 Q. And have you generally discussed that with 16 Weaver? 17 A. Not really. 18 Q. But based on your -- 19 A. I know that he takes care about the fact -- he 20 knows that and he takes care of that. 21 Q. Is that -- 22 A. But it was not a point to discuss because I 23 thought it was not my issue to find out how many shares 24 can be in the depository or not. I didn't see it as my 25 -- what is it called -- I forgot whatever you call it.</p>



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 121	Page 123
<p>1 (Exhibit No. 109 was marked for 2 identification.) 3 <b>BY MR. LEIMAN:</b> 4 <b>Q. Looking at the first two pages -- and these are</b> 5 <b>documents that you produced to the SEC -- does that</b> 6 <b>refresh your recollection --</b> 7 A. Yeah. 8 <b>Q. -- as to the stock certificates that came in</b> 9 <b>for Straight Path Capital?</b> 10 A. Yeah. 11 <b>Q. And what are these first two pages of</b> 12 <b>Exhibit 10 --</b> 13 A. Nine. 14 <b>Q. -- 9?</b> 15 A. It confirms 5.95 million shares of Jammin' Java 16 in the name of Straight Path Capital, and the second one 17 is a share certificate confirming 300,000 shares of 18 Jammin' Java in the name of Straight Capital -- Straight 19 Path Capital. 20 <b>Q. The following page in Exhibit 109, so page 633,</b> 21 <b>do you recognize that document?</b> 22 A. Well, that's an invoice yeah. 23 <b>Q. And what is it an invoice for?</b> 24 A. For services. 25 <b>Q. And for services relating to what?</b></p>	<p>1 is 12:10 p.m. 2 (At 12:10 P.M., a lunch recess was taken 3 until 1:06 P.M. of the same day.) 4 (Nothing omitted nor deleted. See next page.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 122	Page 124
<p>1 A. Obtaining aged company. Just services 2 regarding Straight Path. Yeah, especially that. The 3 rest is filing copies and holding forms. 4 <b>Q. When you provided services related to Straight</b> 5 <b>Path, who did you invoice?</b> 6 A. We -- as I said before, we had many companies 7 being ordered, just to be ready whenever we need 8 companies, and then whenever was time to get them 9 invoiced, we asked Wayne, "Where can we get money from 10 to pay these invoices?" 11 <b>Q. So you would send the invoices to Wayne?</b> 12 A. To Daniel and to Wayne. 13 <b>Q. And for Straight Path, who paid the invoices?</b> 14 A. This is not easy to find. It could be any of 15 the companies. 16 <b>Q. You don't recall right now?</b> 17 A. Could be Calgon, could be -- yeah, I cannot 18 recall. 19 <b>Q. And by "any of the companies," do you mean any</b> 20 <b>of Calgon, Renavial, Las Colinas, Westpark?</b> 21 A. Yeah. 22 <b>Q. Could be one of them?</b> 23 A. Yes. 24 <b>MR. LEIMAN:</b> Can we go off the record. 25 <b>VIDEOTAPE OPERATOR:</b> We're off the record. The time</p>	<p>1 TUESDAY, FEBRUARY 7, 2017; P.M. SESSION 2 3 <b>VIDEOTAPE OPERATOR:</b> We're back on the record. The 4 time is 1:06. This is the beginning of Tape 3 in the 5 deposition of René Berlinger. 6 7 <b>EXAMINATION RESUMED</b> 8 <b>BY MR. LEIMAN:</b> 9 <b>Q. Mr. Berlinger, when we left off we were talking</b> 10 <b>about stock certificates that came into Straight Path,</b> 11 <b>and they were Jammin' Java stock certificates. Now I</b> 12 <b>want to talk about money that goes back into Jammin'</b> 13 <b>Java, and I would like to start with a company called</b> 14 <b>Chilli Capital.</b> 15 <b>Are you familiar with Chilli Capital?</b> 16 A. Yes. 17 <b>Q. And how are you familiar with Chilli Capital?</b> 18 A. It's a Marshall Islands company, comparable to 19 others we discussed. Directorship: Admita Nominees. 20 Beneficial owner: We know Kevin. Bank account with 21 VP Bank. The same as the other companies, actually. 22 <b>Q. Did you talk with Kevin Miller about forming</b> 23 <b>Chilli Capital?</b> 24 A. Probably not. 25 <b>Q. Who did you talk to in forming Chilli Capital?</b></p>

<p style="text-align: right;">Page 125</p> <p>1 A. Mainly with the bank. There are e-mails which 2 look like it's instruction coming from the bank. 3 Q. Did you ever talk with Wayne Weaver about 4 Chilli Capital? 5 A. Yes. 6 Q. I'd like you to just take a look at a couple of 7 exhibits we skipped in our binder of group exhibits, and 8 I want to start with the exhibit that's been premarked 9 as 83, and take a look at Tab A. 10 And these documents at Tab A appear to be a 11 series of documents related to the opening of an account 12 at VP Bank. 13 A. Yes. 14 Q. And are you familiar with these documents? 15 A. Yes. 16 Q. And what are they? 17 A. This is all about account opening. Typical 18 forms with VP Bank, defining signature power. Only the 19 forms plus the Form A, which I advise the owner. 20 Q. And are these the forms that you submitted to 21 VP Bank in order to open up a bank account for Chilli 22 Capital? 23 A. Yes. 24 Q. And You did that in your capacity as nominee 25 for Chilli Capital?</p>	<p style="text-align: right;">Page 127</p> <p>1 A. Yeah. 2 Q. To your knowledge, did the bank discuss this 3 with Kevin Miller? 4 MR. ESBENSHADE: Calls for speculation. 5 A. Potentially. 6 Q. By "potentially," do you know whether they 7 talked to Kevin Miller, or are you speculating? 8 A. I'm speculating. There are e-mails somewhere 9 which -- I'm not sure of incorporation, but all others 10 are definitely coming from the bank, so I don't know 11 whether it's also including the incorporation. 12 Q. Okay. Looking at Tab C, there are what appear 13 to be documents related to the incorporation of Chilli 14 Capital; do you see those documents? 15 A. Yes. 16 Q. And do you recognize the documents? 17 A. This is all about the incorporation. It asks 18 additional lawyer-client information, which is actually 19 not needed for getting a company incorporated. 20 Q. But these are documents you're familiar with? 21 A. Absolutely. 22 Q. And they are documents that you received in 23 connection with the incorporation of Chilli Capital? 24 A. Yes. 25 Q. And do these appear to be accurate copies of</p>
<p style="text-align: right;">Page 126</p> <p>1 A. Exactly. 2 Q. What was the purpose behind Chilli Capital? 3 A. That was not clear at the moment. 4 Q. Looking at Tab B, it appears that there are 5 some additional documents related to -- it appears to be 6 documents related to know-your-customer requirements? 7 A. Yes. 8 Q. Are you familiar with those documents at Tab B? 9 A. Yes. 10 Q. What are they? 11 A. These are KYC documents, passport copies, Form 12 A, and know-your-client documents from the bank, which 13 actually is a copy of the company he had, Las Colinas. 14 It's one to one, same beneficiary. 15 Q. So they already had know-your-customer 16 documents from Las Colinas? 17 A. Yes. 18 Q. And provided them to you in connection with 19 opening Chilli Capital? 20 A. They didn't have to provide it. I had it as 21 well, yes. 22 Q. Okay. You had them as well? 23 A. I had -- I'm advised to have them as well. 24 Q. And you had them because you were the nominee 25 for Las Colinas as well, correct?</p>	<p style="text-align: right;">Page 128</p> <p>1 the documents you received in connection with the 2 incorporation of Chilli Capital? 3 A. Yes. 4 Q. I'd like to move to Tab 7, which has been 5 marked as Exhibit 84, and these appear to be statements 6 from VP Bank related to Chilli Capital. It's tabbed A 7 through L. 8 Are you familiar with these documents? 9 A. Yes. 10 Q. And what are they? 11 A. These are bank statements. No, actually these 12 are account statements over a period, a three-month 13 period. Yes. 14 Q. And who created these documents? 15 A. That's an extract of the bank account coming 16 from VP Bank. 17 Q. And did VP Bank provide these statements for 18 you that are at Tab 7 Exhibit 84? 19 A. I didn't understand. 20 Q. Did VP Bank provide these documents to you? 21 A. Yes. 22 Q. And you're familiar with them, correct? 23 A. Yes. 24 Q. And did you receive them in your capacity as 25 the nominee for Chilli Capital?</p>



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 129</p> <p>1 A. Yes.</p> <p>2 Q. And do these appear to be true-and accurate</p> <p>3 copies of the monthly statements or at least some of the</p> <p>4 monthly statements that you received for Chilli Capital?</p> <p>5 A. Yes.</p> <p>6 Q. Looking at Tab 8, there are three of these</p> <p>7 transaction-specific documents, and Tab 8 has been</p> <p>8 marked as Exhibit 85, and it has Tabs A through C.</p> <p>9 Do you recognize these documents?</p> <p>10 A. Yes.</p> <p>11 Q. And what are they?</p> <p>12 A. It's a transaction, credit advice and debit</p> <p>13 advice from Chilli Capital. The incoming statement</p> <p>14 says, "From: Las Colinas," and the outgoing statement</p> <p>15 says from a law firm.</p> <p>16 Q. And are you familiar with the transactions</p> <p>17 described in Exhibit No. 85, Tabs A and B? Are you</p> <p>18 familiar with the document?</p> <p>19 A. Yes.</p> <p>20 Q. And are you familiar with the transaction?</p> <p>21 A. Yes.</p> <p>22 Q. And what was the transaction?</p> <p>23 A. The reason?</p> <p>24 Q. Well, first of all, just what was the</p> <p>25 transaction: What was actually happening?</p>	<p style="text-align: right;">Page 131</p> <p>1 as Exhibit No. 86, and we've got A and B, do you see</p> <p>2 those documents?</p> <p>3 A. Yes.</p> <p>4 Q. And are you familiar with them?</p> <p>5 A. Yes.</p> <p>6 Q. What are they?</p> <p>7 A. These are the instructions for the 2.38 million</p> <p>8 which we saw in the statement before. That's the fax to</p> <p>9 the bank.</p> <p>10 Q. And what day did you instruct the bank to send</p> <p>11 2.38 million to David Loev?</p> <p>12 A. That was Daniel's secretary, as far as I</p> <p>13 remember, who said, "Please send immediately, and then I</p> <p>14 should be there before three o'clock or whatever." That</p> <p>15 was an e-mail instruction from the bank.</p> <p>16 Q. And what day did you send the fax instruction</p> <p>17 to VP Bank related to the 2.38 million?</p> <p>18 A. What did it say?</p> <p>19 Q. So --</p> <p>20 MR. PATTON: The date.</p> <p>21 Q. Right. On page A --</p> <p>22 A. Yes.</p> <p>23 Q. Right.</p> <p>24 Your fax instruction to VP Bank?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 130</p> <p>1 A. From Las Colinas, 2.4 million has been</p> <p>2 transferred to Chilli Capital. That was no question</p> <p>3 because it's the same beneficial owner. There's no</p> <p>4 contract. It's from one pocket to the other. The</p> <p>5 outgoing statement, 2.3 million to Mr. Lorv -- Loev,</p> <p>6 whatever, being sent out of Chilli Capital to his bank</p> <p>7 account.</p> <p>8 Q. And who is Mr. David Loev?</p> <p>9 A. I didn't know him. It must have been the law</p> <p>10 firm. I got some notes on this statement then. That</p> <p>11 was for financing Jammin' Java.</p> <p>12 Q. Are those your notes?</p> <p>13 A. These are my notes, yes (indicating).</p> <p>14 Q. And does that first note say, "Financing of</p> <p>15 Jammin' Java Corporation"?</p> <p>16 A. Yes, but that's later on, the note is, because</p> <p>17 we will maybe look at e-mails where you can see that</p> <p>18 instruction and explanation came from the bank.</p> <p>19 Q. So you later found out that this was related --</p> <p>20 A. Yes.</p> <p>21 Q. -- to the financing of Jammin' Java?</p> <p>22 A. Yes.</p> <p>23 Q. All right.</p> <p>24 A. I didn't know this guy.</p> <p>25 Q. Okay. Looking at Tab 9, which we've premarked</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Is that right?</p> <p>2 A. That's right.</p> <p>3 Q. And this is a fax instruction to send money</p> <p>4 David Loev, correct?</p> <p>5 A. Yes.</p> <p>6 Q. What day did you send that?</p> <p>7 A. What day?</p> <p>8 Q. Yeah, what day.</p> <p>9 A. 17th of May.</p> <p>10 Q. Okay. And then if you look at B -- well, I'm</p> <p>11 sorry. Let's go back for a second.</p> <p>12 If you look at 8-A, so Exhibit No. 85-A, that</p> <p>13 was for the original transfer from Las Colinas to Chilli</p> <p>14 Capital, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And what day did that happen?</p> <p>17 A. Same day, 17th of May.</p> <p>18 Q. And your fax instruction, that came because you</p> <p>19 were instructed by somebody else to execute the</p> <p>20 transaction?</p> <p>21 A. From VP Bank.</p> <p>22 MR. LEIMAN: I'd like to mark as Exhibit 110 a copy</p> <p>23 of a Debit Advice Memo that has an e-mail attached to</p> <p>24 it, and the Bates number for it is BER2435.</p> <p>25 (Exhibit No. 110 was marked for</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 141</p> <p>1 MS. DAYTON: Thank you. 2 (Exhibit No. 111 was marked for 3 identification.) 4 BY MR. LEIMAN: 5 Q. And are you familiar with this e-mail? 6 A. Not as I recall, but it's sent -- been sent to 7 me. 8 Q. Okay. 9 A. And I received it. 10 Q. You recognize Wayne Weaver's address? 11 A. Yes. 12 Q. And this was sent to you, correct? 13 A. Yes. 14 Q. And did you maintain this e-mail after you 15 received it, kept a copy of it? 16 A. This I don't remember. 17 Q. And I can represent to you that, based on the 18 Bates number on the lower right, that you produced it to 19 us. 20 A. Say again. Sorry. 21 Q. In the lower right-hand corner, the Bates 22 number indicates that you produced this to us. 23 Did you maintain e-mails for your clients? 24 A. Yes, but not filed by client. 25 Q. Uh-huh.</p>	<p style="text-align: right;">Page 143</p> <p>1 A. A Marshall Islands company, obviously having 2 already a bank account, but I don't remember who was 3 behind there. 4 Q. Was it a company you formed for Wayne? 5 A. Yes. 6 Q. But Blue Leaf Capital, that's not a company 7 that you formed, correct? 8 A. No, no. 9 Q. But you recall transferring money into Blue 10 Leaf Capital; is that correct? 11 A. Yes. 12 MR. LEIMAN: I'd like to mark as Exhibit 112 a copy 13 of an e-mail from wayne@highlandcapital to René 14 Berlinger, and the Bates number is BER921. 15 (Exhibit No. 112 was marked for 16 identification.) 17 BY MR. LEIMAN: 18 Q. And do you recognize this exhibit? 19 A. Yes. 20 Q. And what is it? 21 A. I have no idea what is about at the moment. 22 Q. Okay. But you recognize Wayne's e-mail 23 address, correct? 24 A. Yes. 25 Q. And you recognize your e-mail address,</p>
<p style="text-align: right;">Page 142</p> <p>1 A. I've just got one folder, done. 2 Q. You have a one-client folder? 3 A. No. E-mails, no. 4 Q. Okay. 5 A. It's just whenever I search for something, it's 6 a search over all the e-mails. 7 Q. Okay. You maintained electronic copies of your 8 e-mails? 9 A. Yes, yes. 10 Q. And in connection with this case, you searched 11 for e-mails, correct? 12 A. Yes. 13 Q. And is this one of the e-mails that you 14 produced to us? 15 A. That is, yeah. 16 Q. Okay. Looking at the document, it says, "I am 17 trying to effect transfer into and then out off Sinecure 18 from one of my company's [sic] then to Blue Leaf Capital 19 (my main investment account). If it proceeds then I 20 will provide you with full documentation. Thx Wayne." 21 Do you recognize the name Sinecure? 22 A. Yes, that was a company we had. 23 Q. And what is Sinecure? 24 A. I don't remember. 25 Q. Was it a company you formed?</p>	<p style="text-align: right;">Page 144</p> <p>1 berlinger@volante-advisory.ch? 2 A. Yes. 3 Q. These are e-mails that you received, correct? 4 A. Yes. 5 Q. There's an e-mail to an Enzo Caputo from Wayne 6 that says, "PS Blue Leaf Capital is my 100% owned 7 holding company." 8 Did you talk to Wayne about that? 9 A. No. 10 Q. And do you know who Enzo Caputo is? 11 A. Yes, he's the lawyer. 12 Q. And does this relate to -- 13 A. With regard to this closing documents from 14 FINMA to the SEC. 15 Q. So this is after the investigation from FINMA 16 gets exposed to you; is that correct? That's a bad 17 question. Let me re-ask your. 18 This is in relation to a FINMA investigation, 19 correct? 20 A. Yes, that's what it is. 21 Q. And you're familiar with the organization 22 FINMA? 23 A. Yes. 24 Q. And what is FINMA? 25 A. FINMA is the Swiss SEC.</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 165	Page 167
<p>1 of Exhibit 117?</p> <p>2 MR. HARRIS: Objection. Calls for speculation.</p> <p>3 Q. Just reading the documents, was that same</p> <p>4 template then used in Exhibit 117?</p> <p>5 MR. HARRIS: Still calls for speculation.</p> <p>6 Q. It's all right. You can answer.</p> <p>7 A. Yes.</p> <p>8 Q. Is that your answer: Yes?</p> <p>9 A. Yes, it looks the same.</p> <p>10 Q. Do you recall any other instances where Wayne</p> <p>11 Weaver would provide template language to a beneficial</p> <p>12 owner for making a request to you?</p> <p>13 A. That was not typical.</p> <p>14 Q. So Exhibit 118, that's not typical for you?</p> <p>15 A. That he completed e-mails and sent to the</p> <p>16 beneficial owner and say, "Look, this is to be sent to</p> <p>17 me"? No, that was not typical.</p> <p>18 MR. LEIMAN: All right. I'd like to mark as</p> <p>19 Exhibit 119 a copy of an e-mail that appears to be from</p> <p>20 Kevin Miller to René Berlinger, and the Bates number is</p> <p>21 BER67.</p> <p>22 (Exhibit No. 119 was marked for</p> <p>23 identification.)</p> <p>24 MR. PATTON: I think he's getting a little tired.</p> <p>25 It's hard to concentrate.</p>	<p>1 Q. That to you means Las Colinas?</p> <p>2 A. Yes.</p> <p>3 Q. Was it common in discussing Las Colinas with</p> <p>4 various people --</p> <p>5 A. Using short forms, yes.</p> <p>6 Q. Okay. Using the short form "Los C," that was</p> <p>7 --</p> <p>8 A. No, actually it was "Las C," but yes.</p> <p>9 Q. Okay. Earlier you mentioned an entity called</p> <p>10 Rigi Capital, R-I-G-I; do you recall that?</p> <p>11 A. Yes.</p> <p>12 Q. And what is Rigi Capital?</p> <p>13 A. That's a broker.</p> <p>14 Q. And do you know where that broker is located?</p> <p>15 A. In Zurich or close. No, it could be Zurich,</p> <p>16 but in Switzerland.</p> <p>17 Q. In Switzerland?</p> <p>18 A. Yes.</p> <p>19 Q. And did Rigi Capital serve as a broker for any</p> <p>20 of the entities that you were the nominee for?</p> <p>21 A. Yes.</p> <p>22 Q. Which ones?</p> <p>23 A. Loads of, but the ones that we are discussing,</p> <p>24 all of them.</p> <p>25 Q. So --</p>
Page 166	Page 168
<p>1 MR. LEIMAN: Why don't we take a break then?</p> <p>2 MR. PATTON: Let's take a break.</p> <p>3 MR. LEIMAN: Okay. Can we go off the record.</p> <p>4 VIDEOTAPE OPERATOR: We're off the record. The time</p> <p>5 is 2:13.</p> <p>6 (Recess.)</p> <p>7 VIDEOTAPE OPERATOR: We're back on the record. The</p> <p>8 time is 2:26.</p> <p>9 EXAMINATION RESUMED</p> <p>10 BY MR. LEIMAN:</p> <p>11 Q. Before we went to break, I handed out</p> <p>12 Exhibit 119.</p> <p>13 And do you recognize this e-mail?</p> <p>14 A. Yes.</p> <p>15 Q. And this was sent to you, correct?</p> <p>16 A. This was sent to me, yes.</p> <p>17 Q. And who was it sent from?</p> <p>18 A. From Kevin Miller.</p> <p>19 Q. And what does this e-mail relate to?</p> <p>20 A. It relates to an instruction, "Please convert</p> <p>21 three and a half million U.S. into GBP. Then wire out</p> <p>22 converted amount to the attached bank details from my</p> <p>23 Las Colinas account and confirm."</p> <p>24 Q. That "Los C" --</p> <p>25 A. Las Colinas.</p>	<p>1 A. Las Colinas, Renavial --</p> <p>2 Q. And Westpark?</p> <p>3 A. Westpark.</p> <p>4 Q. But not Calgon, correct?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Calgon used Bateman, correct?</p> <p>7 A. Yes, yes.</p> <p>8 Q. Do you recall an instance where Renavial</p> <p>9 purchased approximately \$2 million worth of gold?</p> <p>10 A. Yes.</p> <p>11 Q. And what do you recall about that transaction?</p> <p>12 A. Can you say again?</p> <p>13 Q. What do you recall about that transaction?</p> <p>14 A. I received an instruction to buy gold.</p> <p>15 Q. And who gave you the instruction?</p> <p>16 A. Difficult to answer. I don't have any written</p> <p>17 document or at least cannot recall. Could be Weaver. I</p> <p>18 remember that we discussed this kind of having a</p> <p>19 differentiated -- rather than just having cash, buying</p> <p>20 gold.</p> <p>21 Q. Do you recall having instructions with Wayne</p> <p>22 Weaver about buying gold?</p> <p>23 A. If we have an e-mail, yes; otherwise, it's</p> <p>24 little a bit speculating.</p> <p>25 Q. Okay. Just sitting here right now though, do</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 169

1 you recall having any discussions with Wayne Weaver  
2 about gold?  
3 A. I had any [sic] discussions, yes.  
4 Q. Yes?  
5 And what were those discussions?  
6 A. About buying gold.  
7 Q. And I think you mentioned to sort of diversify  
8 assets.  
9 For what reasons was Wayne Weaver discussing  
10 buying gold with you?  
11 A. Diversifying.  
12 Q. Were there any other reasons?  
13 A. Getting, maybe, funds out of the banking  
14 system.  
15 Q. And why did Wayne Weaver want to get funds out  
16 of the banking system?  
17 MR. PATTON: Well, he can't say what Wayne Weaver  
18 wanted to do.  
19 Unless you know.  
20 Q. Well, in discussing this with Wayne Weaver, did  
21 you have any discussions about why Wayne Weaver wanted  
22 to get money out of the banking system?  
23 A. Yes, but I cannot recall in detail what we  
24 really discussed and what we said and why and what. I'm  
25 pretty sure it was verbally.

Page 170

1 Q. How about generally? You said you couldn't  
2 remember specifically.  
3 Generally, what do you recall about discussing  
4 with Wayne Weaver getting money out of the banking  
5 system?  
6 A. Yes.  
7 Q. Only that you had those discussions?  
8 A. I don't understand.  
9 Q. Okay.  
10 MR. PATTON: I think he told you everything he  
11 recalls.  
12 MR. LEIMAN: Well, I mean, that's what I'm trying to  
13 get from him.  
14 MR. PATTON: Have you told him everything you  
15 recall?  
16 THE WITNESS: Have I told him?  
17 MR. PATTON: Have you told him everything you recall  
18 about your discussions?  
19 BY MR. LEIMAN:  
20 Q. So you talked to Wayne Weaver about getting  
21 money out of the banking system, correct? Did you  
22 discuss that issue -- is there anything else that you  
23 recall discussing about that issue with Wayne Weaver?  
24 A. I don't remember on that, no.  
25 Q. Okay. That's all I'm asking for is your

Page 171

1 recollection.  
2 MR. PATTON: Tim, I'm getting concerned that  
3 Mr. Berlinger is getting pretty tired and it's difficult  
4 to think through your questions, so --  
5 MR. LEIMAN: Okay. Well, I'm trying to stick to the  
6 documents, and I don't have much left, so I think we can  
7 get through it.  
8 I'd like to mark as Exhibit 120 a copy of an  
9 e-mail chain --  
10 (Electronic device interruption.)  
11 MR. LEIMAN: -- from Muhammad Al-Barwani to Daniel  
12 Lacher.  
13 MR. PATTON: It's an Amber alert. Did you all get  
14 one?  
15 MS. DAYTON: Can I have the Bates number on that,  
16 please?  
17 MR. LEIMAN: Sure. BER892.  
18 MS. DAYTON: Thank you.  
19 (Exhibit No. 120 was marked for  
20 identification.)  
21 BY MR. LEIMAN:  
22 Q. And do you recognize Exhibit 120?  
23 A. That's an e-mail to me, yes.  
24 Q. And who is the e-mail from?  
25 A. From Mohammed Al-Barwani.

Page 172

1 Q. And you received this e-mail?  
2 A. Yes.  
3 Q. And was this in connection with you providing  
4 nominee services to --  
5 A. Actually, it was sent to Daniel.  
6 Q. Yes.  
7 A. Cc'd to René.  
8 Q. And this relates to your nominee services for  
9 Renavial, correct?  
10 A. Yes.  
11 Q. And earlier we discussed that you retained your  
12 e-mails electronically; is that correct?  
13 A. Yes.  
14 Q. Is this one of the e-mails that you retained  
15 electronically and then produced to the SEC?  
16 A. I would find it, yes.  
17 Q. Are you familiar with an entity called Tare  
18 Finance, T-A-R-E?  
19 A. Yes.  
20 Q. And what is Tare Finance?  
21 A. I don't know what jurisdiction, but it's an --  
22 I guess an offshore entity.  
23 Q. Did you set up Tare Finance?  
24 A. No.  
25 Q. Who did?

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

<p style="text-align: right;">Page 185</p> <p>1 other than Jammin' Java in Westpark, Las Colinas, and 2 Renavial? 3 A. Yes. 4 Q. Are you familiar with a company called Soefl, 5 Inc., S-O-E-F-L? 6 A. Soefl, does not say much maybe has it been a 7 renamed company or -- 8 Q. Possibly. I'll give you some names and you 9 tell me what they mean. 10 A. Yes. 11 Q. How about Sherpier, Inc.? 12 A. Yes. 13 Q. And what is Sherpier, Inc.? 14 A. One of these symbols. One of these companies 15 which can be traded. 16 Q. So that was a stock that was traded in these 17 accounts? 18 A. Yes. 19 Q. What about Lucky Boy Silver Corporation? 20 A. The same. 21 Q. Also a stock traded in these accounts? 22 A. Yes. 23 Q. Were you asked to execute transactions related 24 to Sherpier and Lucky Boy? 25 A. No.</p>	<p style="text-align: right;">Page 187</p> <p>1 investigation related to the trading of Jammin' Java? 2 A. Yeah. 3 MR. LEIMAN: I'd like to mark as Exhibit 125 a copy 4 of an e-mail. The Bates number will be BER1014. 5 (Exhibit No. 125 was marked for 6 identification.) 7 BY MR. LEIMAN: 8 Q. And are you familiar with this e-mail chain? 9 A. Yes. 10 Q. And was this sent to you? 11 A. It was sent to me. 12 Q. And who sent it to you? 13 A. Wayne Weaver. 14 Q. I'd like to look at the e-mail that starts sort 15 of midway on page 1. It's from Wayne Weaver to a group 16 of individuals, subject "FINMA," and it starts, "Just to 17 state the obvious, it is Michael Sun (MKS) and my wish 18 that no information is revealed at all, but we know this 19 is very doubtful, so the next best things for us is that 20 our names are not revealed in any way." 21 Do you recall communicating with Wayne Weaver 22 about the preference that no names be revealed to FINMA 23 as part of the FINMA investigation? 24 A. Yes. 25 Q. And did he discuss that with you?</p>
<p style="text-align: right;">Page 186</p> <p>1 Q. Even for the purchase of stock? 2 A. For the purchase, yes. 3 Q. Okay. But not for the sales? 4 A. Not for the trade. 5 Q. Okay. What about Sinora Resources? 6 A. Same, yes. 7 Q. Also a stock traded in Westpark, Renavial, Las 8 Colinas? 9 A. In any of these maybe. Not all of them. I 10 don't know. Yes. 11 Q. How about North Umlerland Resources? 12 A. As well. 13 Q. Also a company that's traded? 14 A. Yes. 15 Q. Kore Nutrition, are you familiar with that? 16 A. What is it? 17 Q. K-O-R-E? 18 A. Yes. 19 Q. Is that also a stock that was traded -- 20 A. Yes. 21 Q. By Renavial, Las Colinas, and Westpark? 22 A. Yes. 23 Q. I'd like to talk briefly about the FINMA 24 investigation that we talked about earlier. 25 At some point did you become aware of a FINMA</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Actually, we discussed that with him, whether 2 this can be an option to mark out the names because 3 there's a lot of other transactions involved rather than 4 just Jammin' Java. Because FINMA just would deliver 5 everything, and of course nobody wanted to release all 6 the documents to the SEC. 7 Q. And what about the names? 8 A. And the names actually is to make sure if the 9 SEC wrongly investigated in a pump and dump operation, 10 you cannot delete it or get back. You cannot roll it 11 back. So if once it's given to the SEC, it's done. So 12 the opinion is it's not a pump and dump operation, and 13 therefore the SEC is on the wrong way to investigate, 14 and therefore we said, "Look, you can mark it black. 15 Maybe FINMA accepts that. 16 Q. Okay. But that's not what happened, right? 17 A. That's not what happened. 18 Q. But that's what Wayne wanted, correct? 19 A. Yes. 20 Q. Looking at the names of entities, so starting 21 on 1015, going to 1016, before this e-mail, we had seen 22 a share purchase agreement involving Donnolis? 23 A. Yes. 24 Q. Before this e-mail, did you have any indication 25 that Donnolis was in any way affiliated with Wayne</p>



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 189	Page 191
<p>1 Weaver?</p> <p>2 A. No.</p> <p>3 Q. How about Arsis: Prior to this e-mail, did you</p> <p>4 have --</p> <p>5 A. Same.</p> <p>6 Q. -- any indication that Arsis was affiliated</p> <p>7 with Wayne Weaver?</p> <p>8 A. No.</p> <p>9 Q. How about Manitou: Had you even heard of</p> <p>10 Manitou prior to this e-mail?</p> <p>11 A. No.</p> <p>12 Q. Did you have any information prior to this</p> <p>13 e-mail that Manitou was in any way affiliated with Wayne</p> <p>14 Weaver?</p> <p>15 A. No.</p> <p>16 MR. LEIMAN: I'd like to mark as 180 -- excuse me</p> <p>17 126 -- feels like 186 -- 126 a copy of a December 27,</p> <p>18 2012, e-mail from Wayne Weaver to a group of</p> <p>19 individuals, including René Berlinger, Bates labeled</p> <p>20 BER63.</p> <p>21 (Exhibit No. 126 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. LEIMAN:</p> <p>24 Q. And do you recognize this e-mail?</p> <p>25 A. Yes.</p>	<p>1 MR. LEIMAN: I'd like to mark as Exhibit 127 a copy</p> <p>2 of an e-mail from Wayne Weaver to René Berlinger and the</p> <p>3 Bates number is BER18.</p> <p>4 (Exhibit No. 127 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. LEIMAN:</p> <p>7 Q. And do you recognize this e-mail?</p> <p>8 A. Yes.</p> <p>9 Q. And this is to you, correct?</p> <p>10 A. It is. This is to me, yes.</p> <p>11 Q. Who is it from?</p> <p>12 A. From Wayne Weaver.</p> <p>13 Q. And what do these e-mails relate to?</p> <p>14 A. It relates to getting an LGT account opened,</p> <p>15 and LGT is asking for a tax compliance confirmation.</p> <p>16 Q. And -- I'm sorry?</p> <p>17 A. LGT doesn't accept just a confirmation in</p> <p>18 writing. They needed something from official places,</p> <p>19 and you cannot get this confirmation from any</p> <p>20 jurisdiction. Some just don't have that and LGT was</p> <p>21 expecting that otherwise they won't open an account.</p> <p>22 Q. Did someone ask you to open an account at LGT?</p> <p>23 A. It was the intention from Wayne.</p> <p>24 Q. And why did he want to open an account at LGT,</p> <p>25 if you know?</p>
Page 190	Page 192
<p>1 Q. And was this sent to you among others?</p> <p>2 A. Yes.</p> <p>3 Q. And who sent it to you?</p> <p>4 A. Wayne Weaver.</p> <p>5 Q. And was this an e-mail that you retained as</p> <p>6 part of your nominee services?</p> <p>7 A. Yes.</p> <p>8 Q. And then produced to the SEC?</p> <p>9 A. Yes.</p> <p>10 Q. And it says in several places, "We have to</p> <p>11 ensure that these payments are not revealed, as then the</p> <p>12 SEC would have the names of the UBOs."</p> <p>13 That's the fourth bullet point under the</p> <p>14 section called "My Thoughts on Cash Statements."</p> <p>15 Do you see that?</p> <p>16 A. My concern is this one (indicating)?</p> <p>17 Q. Yes.</p> <p>18 Did you ever have any conversations with Wayne</p> <p>19 Weaver about not revealing the name of the underlying</p> <p>20 beneficial owners as part of the FINMA investigation?</p> <p>21 A. Yes.</p> <p>22 Q. And that tern UBOs, is that familiar to you?</p> <p>23 A. Yes.</p> <p>24 Q. And what is that?</p> <p>25 A. That's ultimate beneficial owner.</p>	<p>1 A. I'm not sure whether it was because bank didn't</p> <p>2 want us anymore, so we were looking for other accounts,</p> <p>3 other banks.</p> <p>4 Q. And looking at the second e-mail on page 1, so</p> <p>5 the e-mail from you to Wayne Weaver on March 12, 2014,</p> <p>6 looking at the second paragraph, "Maybe we can force</p> <p>7 Bateman to move the balance to Helvetic."</p> <p>8 What balance were you talking about there?</p> <p>9 A. Roughly 5 million.</p> <p>10 Q. And where did that 5 million come from?</p> <p>11 A. That was from Bateman.</p> <p>12 Q. And which entity was that related to?</p> <p>13 A. That's Calgon.</p> <p>14 Q. So this was a \$5 million balance in the account</p> <p>15 of Calgon?</p> <p>16 A. Right.</p> <p>17 Q. Looking at the e-mail from Wayne Weaver to you,</p> <p>18 the first e-mail, it says, "Hi René. I don't, but I</p> <p>19 used to live in Jersey so can't get this letter from</p> <p>20 Jersey and don't want to give my Nevis address as I'm</p> <p>21 sure our friends will track the money and ask lots of</p> <p>22 questions, and the bank in Lichtenstein will roll and</p> <p>23 provide them with all the details."</p> <p>24 Did you ever have any discussions with Wayne</p> <p>25 Weaver about him not wanting to give his Nevis address</p>

Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 209

1 written directive from Kevin Miller for either the  
2 purchase or sale of any Jammin' Java shares?  
3 A. Purchase and sale, no.  
4 Q. If you could look at Exhibit 110, which is  
5 BER2435 through 2438, this is a set of documents that  
6 relate to the transfer of \$2.38 million from Las Colinas  
7 to Chilli Capital and then from Chilli Capital to David  
8 Loev at the Loev Firm.  
9 Do you recall that, generally?  
10 A. This was an instruction from the bank, and I  
11 have no -- I cannot recall that he sent or didn't find  
12 anything which says he instructed this.  
13 Q. And he being Mr. Miller?  
14 A. Yes.  
15 Q. And I just want to clarify one prior part of  
16 your testimony. If you could look at the second page of  
17 Exhibit 110, in the middle of the page there are two  
18 lines that say, "Hi Daniel. Here are the wire details  
19 for the 2.38 million PP in Jammin. Please send out  
20 today, call UBO if necessary."  
21 You were asked about that earlier, and I just  
22 want to make sure I heard your testimony. The "call UBO  
23 to confirm if necessary," that indicates to you that you  
24 hadn't spoken to the beneficial owner of Las Colinas  
25 prior to this being sent, correct?

Page 210

1 A. Yes.  
2 Q. If you could look at Exhibit 114?  
3 A. May I add something to this question?  
4 Q. The prior question? Yes.  
5 A. This question goes Daniel /KA\*L, not to me.  
6 Build Daniel did, that's another option.  
7 MR. PATTON: That's all he wants to know is you.  
8 Q. Thank you for that sir. When you say you  
9 didn't, you mean you didn't have any conversations with  
10 Miller regarding --  
11 A. Transfer.  
12 Q. The transfer of the 2.38 million; is that  
13 correct?  
14 A. That's correct.  
15 Q. Exhibit 114 --  
16 A. 114.  
17 Q. This relates to a million-dollar transfer from  
18 Las Colinas to Blue Leaf Capital Limites. I'm sorry.  
19 The Bates number is BER2389.  
20 MR. LEIMAN: I think that's 113.  
21 MR. ESBENSHADE: Is it 113. Apologies.  
22 MR. PATTON: What is the document?  
23 MR. ESBENSHADE: It's a one-page fax transmission.  
24 Thank you. I got my numbering off. 113, and I'm  
25 actually going to mark as Exhibit 132. The first page,

Page 211

1 this is BER2389 to 2390, so the first page of 132 is  
2 actually the same as Exhibit 113.  
3 (Exhibit No. 132 was marked for  
4 identification.)  
5 BY MR. ESBENSHADE:  
6 Q. And if you would look at the second page, the  
7 top e-mail on the second page is an e-mail from Daniel  
8 Lacher to you, and it says, "Hi René," and is in German.  
9 Do you recognize that as an e-mail you  
10 received?  
11 A. Yes.  
12 Q. And that e-mail forwarded an e-mail below that  
13 appears to be from Mr. Weaver to Mr. Lacher that then  
14 relates to the million-dollar transfer; is that correct?  
15 A. That's correct. But the German part says,  
16 "This is call for a million transfer and the instruction  
17 has been confirmed by the UBO, by the telephone." That  
18 relates then to Kevin.  
19 Q. And that's an e-mail --  
20 A. I know this is German, but it's for an  
21 investment in a new deal.  
22 Q. It's a different deal, correct?  
23 A. Yes. And the instruction from Wayne, "Daniel  
24 says was confirmed by the UBO of Las Colinas."  
25 Q. That's not a confirmation that you had with

Page 212

1 Mr. Miller, correct? You didn't speak to Mr. Miller  
2 regarding this?  
3 A. No, Daniel just confirms he just verified.  
4 Q. And he didn't say Mr. Miller's name?  
5 A. No, he didn't. This is normal. We don't  
6 communicate with name, usually.  
7 Q. And if you could look at Exhibit 131.  
8 If you look at the third page Exhibit 131 near  
9 the top -- or actually the first entry, "RBE, is --  
10 A. Is me.  
11 Q. -- is you?  
12 A. Yeah.  
13 Q. And it says, "Meeting BO. Discuss new  
14 companies, discuss Jammin VIP,," correct?  
15 A. Can't find that. Where is that?  
16 Q. The third page of Exhibit 131.  
17 A. Oh, the third page. Yes.  
18 MR. ESBENSHADE: Okay. I'm going to mark  
19 Exhibit 133.  
20 (Exhibit No. 133 was marked for  
21 identification.)  
22 BY MR. ESBENSHADE:  
23 Q. If you could just look at the date of that  
24 meeting, the first entry.  
25 A. Yes, August 2011.



Securities and Exchange Commission v.  
Jammin' Java Corp., et al.

Rene Berlinger  
February 07, 2017

Page 245

1 A. Yeah.  
2 Q. And you're not an expert on U.S. securities  
3 law; is that fair to say?  
4 A. Same, yes.  
5 Q. And at the time, did you have any knowledge of  
6 the financing agreement between Straight Path and  
7 Jammin' Java?  
8 A. Try again. I didn't understand the question.  
9 Q. At the time --  
10 A. Yeah.  
11 Q. -- so beginning of the FINMA investigation, at  
12 the time when you thought that nothing wrong had  
13 happened, did you have any knowledge about a financing  
14 agreement between Straight Path and Jammin' Java?  
15 A. No. I remember when we went for this payment,  
16 2.3 million, have been told it's for an investment and  
17 we will get a contract. That's what I have in mind, but  
18 I never got the contract, and you saw the notice I made.  
19 It's for later. That's when I got to know what it was.  
20 That was an investment for Jammin' Java.  
21 Q. But you had not seen the contract; is that  
22 correct?  
23 A. Yes, I don't remember that. Definitely.  
24 MR. LEIMAN: That's all I have.  
25 MR. ESBENSHADE: I have one follow-up question.

Page 246

1 EXAMINATION RESUMED  
2 BY MR. ESBENSHADE:  
3 Q. Mr. Harris asked you a few questions about your  
4 meeting with the government, and focusing just on I  
5 thinks you said around ten minutes of questioning from  
6 the woman from the DOJ, Department of Justice, just that  
7 part, not the time that Mr. Leiman or people from the  
8 SEC.  
9 Do you recall any discussion or mention of  
10 Mr. Miller during the questioning from the woman from  
11 the Department of Justice? If you don't -- either way.  
12 I'm just asking if you recall.  
13 A. It was late as well, so I don't remember the  
14 questions. What I remember is we were more or less  
15 talking in general how this works: How Swiss laws are,  
16 what's the way to open up accounts. It was more about  
17 these topics, but not, "Did this guy -- did" --maybe my  
18 lawyer will remember, but I think it was not the topic.  
19 MR. ESBENSHADE: That's fine. I appreciate it.  
20 Thank you.  
21 VIDEOTAPE OPERATOR: Anybody else?  
22 MR. HARRIS: Nothing further.  
23 MR. PATTON: I have no questions.  
24 MR. LEIMAN: You can close out.  
25 VIDEOTAPE OPERATOR: This is the end of today's

Page 247

1 deposition of René Berlinger. We used five tapes. The  
2 time is 4:26, and we're off the record.  
3 (At 4:26 P.M., the deposition proceedings  
4 concluded.)  
5  
6  
7  
8 RENÉ BERLINGER  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 248

1 STATE OF NEW YORK )  
2 ) ss.  
3 COUNTY OF NEW YORK )  
4 I hereby certify that the witness in the  
5 foregoing deposition, RENÉ BERLINGER, was by me duly  
6 sworn to testify to the truth, the whole truth, and  
7 nothing but the truth, in the within-entitled cause;  
8 that said deposition was taken at the time and place  
9 herein named; that the deposition is a true record of  
10 the witness's testimony as reported by me, a shorthand  
11 reporter and a disinterested person, and was thereafter  
12 transcribed into typewriting by computer.  
13 the outcome of the said action, nor connected with, nor  
14 related to any of the parties in said action, nor to  
15 their respective counsel.  
16 IN WITNESS WHEREOF, I have hereunto set my hand  
17 this 14th day of February, 2017.  
18 Reading and Signing was:  
19 \_\_\_ requested \_\_\_ waived X not requested  
20  
21  
22  
23  
24 JONAH SEARS  
25 STATE OF NEW YORK